



FIFTH NATIONAL ASSEMBLY

**PARLIAMENTARY
DEBATES
(HANSARD)**

**FIRST SESSION
TUESDAY 18 October 2011**

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THE CABINET**(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications
Dr. the Hon. Ahmed Rashid Beebeejaun, GCSK, FRCP	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Vice-Prime Minister, Minister of Finance and Economic Development
Hon. Anil Kumar Bachoo, GOSK	Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping
Dr. the Hon. Arvin Boolell, GOSK	Minister of Foreign Affairs, Regional Integration and International Trade
Dr. the Hon. Abu Twalib Kasenally, FRCS	Minister of Housing and Lands
Hon. Mrs Sheilabai Bappoo, GOSK	Minister of Social Security, National Solidarity and Reform Institutions
Dr. the Hon. Vasant Kumar Bunwaree	Minister of Education and Human Resources
Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security

Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
Dr. the Hon. Rajeshwar Jeetah	Minister of Tertiary Education, Science, Research and Technology
Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
Hon. Louis Joseph Von-Mally, GOSK	Minister of Fisheries and Rodrigues
Hon. Satyaprakash Ritoo	Minister of Youth and Sports
Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands
Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment
Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Janghahadoorsing Iswurdeo Mola	Minister of Business, Enterprise Roopchand Seetaram and Cooperatives

Hon. Mrs Maria Francesca Mireille Martin Minister of Gender Equality, Child
Development and Family Welfare

Hon. Sutyadeo Moutia Minister of Civil Service and
Administrative Reforms

Members

Members

PRINCIPAL OFFICERS AND OFFICIALS

<i>Mr Speaker</i>	Purryag, Hon. Rajkeswur, GCSK, GOSK
<i>Deputy Speaker</i>	Roopun, Hon. Prithvirajsing
<i>Deputy Chairperson of Committees</i>	Deerpalsing, Ms K. R
<i>Clerk of the National Assembly</i>	Dowlutta, Mr R. Ranjit
<i>Deputy Clerk</i>	Lotun, Mrs B. Safeena
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MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 18 of 2011

Sitting of Tuesday 18 October 2011

The Assembly met in the Assembly House, Port Louis,

At 11.30 a.m

The National Anthem was played

(Mr Speaker in the Chair)

DEPUTY CHAIRPERSON OF COMMITTEES – ELECTION

The Prime Minister: Mr Speaker, Sir, I move that the hon. Third Member for the Constituency of Belle Rose and Quatre Bornes, Ms Kumaree Rajeshree Deerpalsing, be appointed to the office of Deputy Chairperson of Committees.

The Deputy Prime Minister rose and seconded.

Mr Speaker: There being no other proposal, I declare the hon. Third Member for the Constituency of Belle Rose and Quatre Bornes, Ms Kumaree Rajeshree Deerpalsing, elected as Deputy Chairperson of Committees for this Assembly. I offer her my sincere congratulations.

(Interruptions)

Order, please!

Ms Deerpalsing: Mr Speaker, Sir, I am deeply honoured to have been elected as Deputy Chairperson of Committees. I would like to thank the hon. Prime Minister and the House and I can assure you, Mr Speaker, and the House, that I will discharge my duties with the utmost level of professionalism that the function requires.

Thank you, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order!

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Office of the President –

- (a) The 37th Annual Report of the Ombudsman for the period January to December 2010 (In Original).
- (b) The Annual Report of the Ombudsperson for Children for the period September 2010 to 2011.

B. Prime Minister's Office –

- (a) Certificate of Urgency in respect of the following Bills –
 - (i) The Supplementary Appropriation (2010) Bill (No. XXI of 2011);
 - (ii) The Equal Opportunities (Amendment) Bill (No. XXII of 2011);
 - (iii) The Constitution (Amendment) Bill (No. XXII of 2011);
 - (iv) The Local Government Bill (No. XXIII of 2011) and
 - (v) The Education (Amendment) Bill (No. XXV of 2011).
- (b) The Annual Report on the Financial Statements of the National Adoption Council for the years ended 30 June 2004 to 30 June 2009.

C. Ministry of Energy and Public Utilities –

- (a) The Annual Report 2008 – 2009 of the Central Water Authority.
- (b) The Report of the Director of Audit on the Financial Statements of the Wastewater Management Authority for the 18 month period ended 31 December 2010 (In Original).

D. Ministry of Finance and Economic Development –

- (a) The Digest of Industrial Statistics for the year 2009 – Vol. 26.

- (b) The 2007 Census of Economic Activities (Phase 2 – Large Establishments)
- (c) The Customs Tariff (Amendment of Schedule) (No. 2) Regulations 2011 (Government Notice No. 138 of 2011).
- (d) The Companies (Amendment of Schedule) Regulations 2011 (Government Notice No. 139 of 2011).
- (e) Mauritius in Figures, 2010.
- (f) The Double Taxation Convention (France) (Amendment) Regulations 2011 (Government Notice No. 151 of 2011).
- (g) The Annual Report of the Accountant General and the Accounts of the Republic of Mauritius for the fiscal year ended 31 December 2010 (In Original).
- (h) The Mauritius in Figures, 2010.
- (i) The Annual Report of the Gambling Regulatory Authority for the period July 2009 to December 2010 (In Original).
- (j) The Digest of Productivity and Competitiveness Statistics 2010 - Vol. 14.
- (k) The Gambling Regulatory Authority (Amendment of Schedule) Regulations 2011 (Government Notice No. 170 of 2011).
- (l) The Gambling Regulatory Authority (Amendment of Schedule) (No. 2) Regulations 2011 (Government Notice No. 171 of 2011).
- (m) The Estimates of Supplementary Expenditure (2010) of 2011.
- (n) The Land (Duties and Taxes) (Amendment of Schedule) (No. 2) Regulations 2011 (Government Notice No. 140 of 2011).
- (o) The Land (Duties and Taxes) (Amendment of Schedule) (No. 3) Regulations 2011 (Government Notice No. 149 of 2011).

E. Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping –

The Road Traffic (Taxi, Bus and Lorry Stands) (Amendment No. 2) Order 2011 (Government Notice No. 145 of 2011).

F. Ministry of Social Security, National Solidarity and Reforms Institutions –

- (a) The National Pensions (Pension Points) (Amendment) Regulations 2011 (Government Notice No. 141 of 2011).
- (b) The National Pensions (Amendment of Schedules) Regulations 2011 (Government Notice No. 142 of 2011).

G. Ministry of Agro Industry and Food Security –

- (a) The First Annual Report of the Vallée d’Osterlog Endemic Garden Foundation for the period September 2007 to June 2009.
- (b) The Annual Report 2010 of the Mauritius Sugar Industry Research Institute.

H. Ministry of Environment and Sustainable Development –

The Environment Protection (Applications for PER Approval and EIA Licence) (Processing Fees) Regulations 2011 (Government Notice No. 143 of 2011).

I. Ministry of Fisheries and Rodrigues –

- (a) The Fisheries and Marine Resources – The South East Marine Protected Area (SEMPA) Regulations 2011 (Government Notice (Rodrigues Regional Assembly) No. 3 of 2011).
- (b) The Annual Reports for the years 2008 and 2009 of the Fisheries Division.
- (c) The Fisheries and Marine Resources (Extension of Net Fishing Season) Regulations 2011 (Government Notice No. 175 of 2011).

J. Ministry of Local Government and Outer Islands –

- (a) The Municipal Council of Port Louis (Pont de Paris Open Market) Regulations 2011 (Government Notice No. 146 of 2011).
- (b) The Municipal Council of Port Louis (Traffic Centre) Regulations 2011 (Government Notice No. 154 of 2011).

- (c) The Municipal Council of Quatre Bornes Traffic Centre Regulations 2011 (Government Notice No. 155 of 2011).
- (d) The Municipal Council of Vacoas-Phoenix (Traffic Centre) (Amendment) Regulations 2011 (Government Notice No. 156 of 2011).
- (e) The Pamplemousses/Rivière du Rempart District Council Traffic Centre (Amendment) Regulations 2011 (Government Notice No. 157 of 2011).
- (f) The Moka Flacq District Council Traffic Centre (Amendment) Regulations 2011 (Government Notice No. 158 of 2011).
- (g) The Black River District Council (Traffic Centre) Regulations 2011 (Government Notice No. 159 of 2011).
- (h) The Approval of Modifications to the Black River District Outline Scheme (Government Notice No. 165 of 2011).
- (i) The Grand Port/Savanne District Council (Traffic Centre) Amendment Regulations 2011 (Government Notice No. 169 of 2011).
- (j) The Annual Report and Audited Accounts of the Local Infrastructure Fund for the financial year 2008-2009 (In Original).
- (k) The “Dr James Burty David Market/Fair (yard)” Regulations 2011 (Government Notice No. 172 of 2011).

K. Attorney General’s Office –

- (a) The Reports of the Director of Audit on the Financial Statements of the Law Reform Commission for years ended 30 June 2007, 30 June 2008 and 30 June 2009 (In Original).
- (b) The Reports of the Director of Audit on the Financial Statements of the Curatelle Fund for the period 1 July to 31 December 2009 and for the year ended 31 December 2010 (In Original).

L. Ministry of Tourism and Leisure –

The Reports of the Director of Audit and the Audited Financial Statements of the Tourism Fund for the year ended 30 June 2009 and semester ended 31 December 2009 (In Original).

M. Ministry of Health and Quality of Life –

- (a) The Report of the Director of Audit on the Financial Statements of the Mauritius Institute of Health for the period July 2009 to December 2010.
- (b) The Clinical Trials (Licence and Fees) Regulations 2011 (Government Notice No. 168 of 2011).

N. Ministry of Industry and Commerce and Consumer Protection

- (a) The Legal Metrology (Pre-packed Commodities) (Amendment No. 2) Regulations 2011 (Government Notice No. 160 of 2011).
- (b) The Consumer Protection (Control of Imports) (Amendment No.5) Regulations 2011 (Government Notice No. 137 of 2011).
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 12) Regulations 2011 (Government Notice No. 144 of 2011).
- (d) The Consumer Protection (Control of Imports) (Amendment No.6) Regulations 2011 (Government Notice No. 147 of 2011).
- (e) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment) Regulations 2011 (Government Notice No. 148 of 2011).
- (f) The Consumer Protection (Control of Imports) (Amendment No. 7) Regulations 2011 (Government Notice No. 152 of 2011).
- (g) The Consumer Protection (Control of Imports) (Amendment No. 2) Regulations 2011 (Government Notice No. 150 of 2011).
- (h) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 13) Regulations 2011 (Government Notice No. 161 of 2011).
- (i) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 14) Regulations 2011 (Government Notice No. 162 of 2011).

- (j) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 15) Regulations 2011 (Government Notice No. 163 of 2011).
- (k) The Consumer Protection (Control of Imports) (Amendment No. 8) Regulations 2011 (Government Notice No. 164 of 2011).
- (l) The Consumer Protection (Control of Imports) (Amendment No. 9) Regulations 2011 (Government Notice No. 166 of 2011).
- (m) The Consumer Protection (Control of Imports) (Amendment No. 10) Regulations 2011 (Government Notice No. 173 of 2011).
- (n) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 16) Regulations 2011 (Government Notice No. 174 of 2011).

O. Ministry of Social Integration and Economic Empowerment –

- (a) The National Economic and Social Council (NESC) Report 17 – Maintaining the Green Cover of Mauritius – July 2011.
- (b) The Annual Report of the National Economic and Social Council (NESC) for the period 01 July 2009 to 31 December 2010.

P. Ministry of Gender Equality, Child Development and Family Welfare –

- (a) The Report of the Director of Audit on the Financial Statements of the National Women Entrepreneur Council for the year ended 30 June 2008.
- (b) The Report of the Director of Audit on the Financial Statements of the National Children's Council for the years ended 30 June 1996, 30 June 1997, 30 June 1998, 30 June 1999, 30 June 2000, 30 June 2001, 30 June 2002, 30 June 2003 and 30 June 2004.
- (c) The Child Protection (Mentoring Order) Regulations 2011 (Government Notice No. 153 of 2011).

- (D) The Protection from Domestic Violence (Hearing of Applications for Protection, Occupation and Tenancy Orders) Rules 2011 (Government Notice No. 167 of 2011).

ORAL ANSWERS TO QUESTIONS**ICAC - CASES - INQUIRIES**

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will, for the benefit of the House, obtain from the Commissioner of Police and the Director General of the Independent Commission Against Corruption, information as to if inquiries have been carried out and completed, in regard to the -

- (a) Med Point Clinic;
- (b) Infinity BPO;
- (c) alleged malpractices at the State Trading Corporation;
- (d) Rose Garden Project of the Rose Belle Sugar Estate;
- (e) Bank of Mauritius cheque truncation system;
- (f) recent tenders launched by the Central Electricity Board;
- (g) recent chlorine tender launched by the Central Water Authority;
- (h) recent recruitments at the Mauritius Institute of Training and Development;
- (i) recruitment of a Liaison Officer at the Small and Medium Enterprises Development Authority, and
- (j) recent statements of hon. Dhiraj Singh Khamajeet concerning recruitment in the public service.

The Prime Minister: Mr Speaker Sir, it is public knowledge that the Independent Commission Against Corruption is investigating in some of the cases mentioned by the hon. Leader of the Opposition.

However, as the House is aware, the ICAC, which has been established under the Prevention of Corruption Act 2002, is required by law to operate as an independent body. Its operation is monitored only by the Parliamentary Committee which, insofar as the information sought relates to an investigation already completed by ICAC, may request such information from ICAC (as per Section 61(3) of the Prevention of Corruption Act). The Parliamentary Committee may also make a report to the Assembly where it considers that it is expedient that the attention of the Assembly should be directed to, *inter alia*, the manner in which ICAC is discharging its functions and exercising its powers.

Furthermore, according to Section 81 of the Act, all Board Members and Officers of the ICAC are required to take an oath of secrecy and they have a duty to maintain the confidentiality of, and not divulge, any official information that becomes known to them, except as provided under that Section.

It is also worth pointing out that, by virtue of section 81(4) of the Act, it is open to the Director-General of ICAC to disclose, for the purpose of publication in the press, such information he considers necessary in the public interest. I am sure the House shares the view that the publication of any information by ICAC that could be prejudicial to an ongoing enquiry is not envisaged by that Section.

At any rate, all cases at further investigation stage by the ICAC are referred directly to the Director of Public Prosecutions under Section 47 of the Prevention of Corruption Act.

Furthermore, all charges preferred against any accused person and which are pending before the Courts are published on the website of the ICAC.

Mr Speaker, Sir, I have on several occasions, in this House reiterated my absolute respect for institutions which should be allowed to discharge their duties in a totally independent manner without any kind of external intervention. It would, therefore, not be appropriate for me to make any comment, whatsoever, on these cases.

Mr Speaker, Sir, as there is reference in the question to the Commissioner of Police, let me also remind the hon. Leader of the Opposition that I cannot interfere in the operational aspect of the work of the Police as laid down under section 71 of our Constitution.

Mr Speaker, Sir, I am conscious of, and I fully appreciate the concern of the hon. Leader of the Opposition for a successful fight against corruption from whichever quarters. I believe the hon. Leader of the Opposition, in his quest for truth, justice and fairness, shares my own conviction that we ought, responsibly and seriously in our respective constitutional role and not as leader of a political party, to be guided by due care and caution and not to be misled or allow ourselves to be ensnared by vested interests to thwart truth, justice and fairness.

Mr Speaker, Sir, I wish to remind the House that a considerable amount of energy and resources were deployed by many Members of this House, including those in the Opposition in putting in place the Prevention of Corruption Act and in making ICAC operational. I appeal to all Members to deploy the same commitment that this vital Institution against graft and malpractice be allowed to do what the law requires it to do regardless of the status of the persons involved. The fight against corruption is the fight of all of us in this House and of all citizens of this country.

Mr Bérenger: Mr Speaker, Sir, as the hon. Prime Minister is aware, I did not ask for details of those cases and I certainly did not suggest that the hon. Prime should interfere in the workings of either ICAC or the Police. I only wanted to know whether enquiries are on or have been completed. And even that, we don't get. Let me start with Med Point. I understand, Mr Speaker, Sir, that the Government cheque of Rs145 m. for the purchase of Med Point Clinic has still not been cashed. Can I ask the hon. Prime Minister whether this is the case and what measures have been taken by ICAC, the SIC or any other body for that matter to prevent that cheque from being cashed?

The Prime Minister: Mr Speaker, Sir, I have tried to enquire on this. Unfortunately, since the matter is with ICAC, I am given to understand that it is for ICAC to decide on whether to freeze or not to freeze, to ask an order for freezing, but not anyone else.

Mr Bérenger: I am given to understand that it is, in fact, the SCI that has stepped in to have that cheque not cashed. If that is the case, will the hon. Prime Minister confirm?

The Prime Minister: I have been told, Mr Speaker, Sir, that it is for ICAC to decide whether it will accept that the cheque be frozen or not; that is what the situation is. I cannot, of course, go and enquire from ICAC myself on what they are doing or not doing.

Mr Bérenger: I am not talking about ICAC in that case; I am saying the SIC. I am informed that SIC stepped in, because the SIC is a major shareholder in the company. Therefore, it has interests. Why will not the SIC step in, if it has not yet?

The Prime Minister: I have been told, Mr Speaker, Sir, and I have to abide by the legal advice, that it is not for the SIC, but for ICAC to decide on what to do. That is the advice that I have been given.

Mr Bérenger: A few days ago, the hon. Prime Minister said in a press conference that he would be the happiest man on earth if Cabinet papers relating to that affair were made public. Will the hon. Prime Minister - we know under whose authority the Secretary to Cabinet works - see to it that the Cabinet Memorandum brought to Cabinet by the former Minister of Health, hon. Jeetah, and the minutes of proceedings - as well as on other occasions - referring to Med Point be made public?

The Prime Minister: Let me just reassure the House. I said what I said, and I maintain what I said. But there are implications. The case is, I think, in front of the court, and the court will decide. The Secretary to Cabinet, I understand, is going to reply in court.

Mr Bérenger: Being given it will be one year that ICAC has been enquiring into that Med Point affair, can we be given any indication how long it will take?

The Prime Minister: The hon. Leader of the Opposition knows that I cannot at all give an indication, because it is not in my hands.

(Interruptions)

Mr Bérenger: I move on, Mr Speaker, Sir, to Infinity BPO. In fact, the former Minister of Finance confirmed in the House that ICAC is enquiring on Infinity BPO. Can I know from the hon. Prime Minister if he can offer any reasons why his former special adviser, Mr Jean Suzanne, has still not been called by ICAC?

Mr Speaker: No. Well, I let the Prime Minister answer.

Mr Bérenger: Maybe he is still adviser. How can I know? If I can move on to the third issue, that is, malpractices at the STC! I am sure the hon. Prime Minister would have taken cognizance of the Roshi Badhain Forensic Report. There are numerous Police cases in that report. Can I ask the hon. Prime Minister whether that report has been referred to both the Police and ICAC for further action?

The Prime Minister: I should say, Mr Speaker, Sir, that in many of these cases, including that case of alleged malpractice at the STC, it is us who initiated action; it is not as if ICAC started it by itself. In many of those cases, we initiated action or the management asked for action or the hon. Minister concerned asked for action. My understanding is that there is an investigation which is ongoing.

Mr Bérenger: The country lost Rs5 billion with that hedging saga at the STC. We have seen reports that the then Minister concerned, hon. Jeetah, gave verbal authority for the country to lose Rs5 billion in that hedging saga. Has the hon. Prime Minister taken the trouble to check on that?

The Prime Minister: It is not my understanding but, as I said, there is an enquiry which is going on. That is why I do not want to make comments on an enquiry which is ongoing, Mr Speaker, Sir.

(Interruptions)

Mr Bérenger: On the fourth point, the Rose Belle saga, Mr Speaker, Sir, again, is the hon. Prime Minister aware that what has taken place there is totally unlawful, that the private...

Mr Speaker: No. The hon. Leader of the Opposition is asking the hon. Prime Minister for an expression of opinion!

Mr Bérenger: No, I did not ask for his opinion. I said it is totally unlawful. I am not asking for his opinion.

Mr Speaker: The Leader of the Opposition is asking whether he agrees that it is totally unlawful. How can the Prime Minister...

Mr Bérenger: I did not say whether he agrees, Mr Speaker, Sir.

Mr Speaker: Then the Leader of the Opposition should rephrase his question.

Mr Bérenger: I did not say whether he agrees. I said that what has taken place is totally illegal insofar as the private operator concerned used a *morcellement* permit delivered in 2004 to Rose Belle Sugar Estate to finance the Voluntary Retirement Scheme. This year, a private operator dares to use that to go ahead with a private *morcellement*. This is illegal! Can I know what action is being taken?

The Prime Minister: In fact, the action was initiated by the hon. Minister of Agriculture himself. He asked for action to be initiated to look at what has happened and whether there is anything else we can do.

Mr Bérenger: No, ICAC is enquiring. Is the hon. Prime Minister aware that the Minister of Agriculture intervened to do two things? To stop Rose Belle refusing taking a stand against the EIA requirement before the EIA Board, and requesting the Board to withdraw legal action that was being started, to ask for an injunction to stop that. This is what he did!

(Interruptions)

Is the hon. Prime Minister aware of that?

(Interruptions)

Mr Speaker: Order!

(Interruptions)

Mr Speaker: Order! Order now!

The Prime Minister: Let us be clear, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order!

The Prime Minister: It is the hon. Minister himself who initiated the action, but he has to act...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: The hon. Leader of the Opposition must...

(Interruptions)

Mr Speaker: Order! Order, please!

The Prime Minister: He has to act within the legal advice. There are legal implications in what has been done.

Mr Bérenger: Sir, as far as the Bank of Mauritius is concerned, I do think that they should set the good example and go through tender procedures whenever required. Is the hon. Prime Minister taking action? He appoints the Governor of the bank. A tender was issued for this cheque truncation system, three firms were shortlisted, the tender was cancelled, the job given to a firm that did not even tender - without any tendering! Is the Prime Minister aware of that, and what action is he taking?

Mr Speaker: I will have to intervene here and inform the Leader of the Opposition that the Bank of Mauritius is under the portfolio of the Minister of Finance. Even if the hon. Prime Minister appoints the Governor of the bank, he appoints so many people in different Ministries and, therefore, he cannot be answerable. The question should go to the hon. Minister of Finance, so that he can have the necessary information.

Mr Bérenger: I put the question to the hon. Prime Minister because the Constitution has it that he appoints the Governor of the Bank of Mauritius. He should, therefore, know how misbehaving his appointees...

Mr Speaker: No. Whether it is the Constitution or any Act of Parliament which has been passed here, where the hon. Prime Minister appoints any Head of Department or any Head of the Bank, the responsibility of the Bank of Mauritius is given to the Minister of Finance, and I think he will have to answer the question.

Mr Bérenger: As far as part (f) of my question is concerned, that is, the CEB, there have been several tenders that have been struck down, and there have been very serious comments by the Independent Review Panel. There has been the famous case of the 660,000 economic lamps worth Rs25 m, and the award of Rs5 m. to a foreign firm, BWSC. It is a complete mess and, as I said, very serious comments have been made by the Independent Review Panel. Has the hon. Prime Minister had the opportunity of discussing with his colleague the situation there, and what remedies are being resorted to?

The Prime Minister: Mr Speaker, Sir, let me say that again action was initiated by the hon. Minister to have an inquiry, because we have heard of alleged malpractice. That is how it was started. Now that the investigation is on by ICAC, we do not want to interfere and ask what is happening. That is the position.

Mr Bérenger: On my 7th point, with regard to CWA, there has been a recent case where there has been a tendering procedure, the Bid Evaluation Committee was set up, and they disqualified the cheapest. They gave the award to the highest. A Bid Evaluation Committee was set up. They disqualified the cheapest; they gave the award to the highest. It went before the Board and, unanimously, the Board Members approved the report. It went before the hon. Minister - the law has it that the hon. Minister must sign and authorise - and he signed and authorised and when that had ended before the Independent Review Panel, what happened, Mr Speaker, Sir? Is the hon. Prime Minister aware? It undid the whole of it! It is the highest tenderer who was disqualified, the one who had got the tender at the highest price, and the lowest was found to be in order and got the tender. If that is not a case of conspiracy, I don't know what it is.

(Interruptions)

Has the hon. Prime Minister ...

(Interruptions)

Mr Speaker: No, no! I am sorry again, I will have to intervene. The hon. Leader of the Opposition is allowed to put questions and not to make comments, whether it is conspiracy or not, that is his point of view. The hon. Leader of the Opposition has to put the questions and the hon. Prime Minister must be in a position to answer. The department of CWA is under the Ministry of the hon. Deputy Prime Minister.

Mr Bérenger: Then, can I ask whether - because the Police is very active these days in cases of conspiracies - the hon. Prime Minister has asked the Commissioner of Police, the Police, to start an enquiry and whether there has been criminal conspiracy, or not?

The Prime Minister: All that I can say is that the Legal Adviser has found out some irregularities in the whole process, that's why the hon. Minister did what he did and ICAC is investigating on that matter.

Mr Bérenger: With regard to the 8th part, recent recruitments at the Mauritius Institute of Training and Development, can I remind the hon. Prime Minister that on 21 June, a Parliamentary Question was put to the Minister responsible, the hon. Minister of Education, asking for the names and addresses of those recruited during year 2010. The hon. Minister's reply was: "Mr Deputy Speaker, Sir, the list is being compiled and will be laid on the Table as soon as possible." Months and months later, *on ne voit rien venir!* Can I ask the hon. Prime Minister whether he has discussed the issue with the Minister concerned?

The Prime Minister: My understanding is that it has been laid in the National Assembly.

Mr Speaker: The answer is that the list has been laid.

Mr Bérenger: I checked regularly; I wouldn't be surprised that something has been put in today.

(Interruptions)

Be ashamed of yourself!

Mr Speaker: Order! Order! If the question was put to the hon. Minister of Education, he would have answered. Unfortunately, the hon. Prime Minister cannot follow what the hon. Minister of Education did ...

(Interruptions)

Mr Bérenger: I understand your ruling. The hon. Minister has promised to lay it as soon as possible. I am going to ask that same Minister how soon is possible!

(Interruptions)

I am not prepared to take that line of action.

(Interruptions)

Mr Speaker: I am sorry, this has been the practice in the past and now I am looking into matter. The question has been raised with me by the Chief Whip.

(Interruptions)

Yes, I am looking into the matter. In the past it has been practice, that's what one has to remember. I will look into the matter and I will see to it.

(Interruptions)

Mr Bérenger: Maybe I should have put my PNQ to the hon. Speaker then!

(Interruptions)

Mr Speaker: Order now! Order!

Mr Bérenger: I think Mr Speaker missed that comment of mine. Good! Can I move to part 9, the recruitment of a Liaison Officer at SMEDA, where again it has been made public that the Human Relation Personnel Committee gave a unanimous report that all jobs have to be advertised and, in spite of that, the Board went ahead and recruited this gentleman. *Le Directeur*, Mr Ramgoolam, who refused twice under pressure from the Chairperson of the Board, appointed by the hon. Minister concerned, lost his job. A political appointee was recruited as a Liaison Officer and who has only a School Certificate. Has the hon. Prime

Minister discussed with the hon. Minister concerned, being given that this is *du domaine public*?

(Interruptions)

Mr Speaker: Order, please!

The Prime Minister: Mr Speaker, Sir, because ICAC is inquiring, I cannot go and ask, and I do not want to interfere.

Mr Bérenger: Yes, on the last part, *un usurpateur d'identité ...*

(Interruptions)

... ine rentrer par ene la fenêtre coquin ...

(Interruptions)

Mr Speaker: Order! Order now! No comments!

Mr Bérenger: On the last part, Mr Speaker, Sir, that is, those statements of hon. Dhiraj Singh Khamajeet, our local 'DSK', as he is known. Does the hon. Prime Minister think - because we all know, and he said in his recent press conference that ICAC is carrying out an enquiry - that it was proper for him *de blanchir*, to say - as hon. Prime Minister who, of course, does not interfere in ICAC's work - that he is innocent, that he has done nothing wrong, and at the same time he confirms that ICAC is carrying out an enquiry? Does the hon. Prime Minister find that proper?

(Interruptions)

Mr Speaker: Order! Order!

The Prime Minister: Let me reassure the hon. Leader of the Opposition that this is not what I said. What I said was - I didn't say ...

(Interruptions)

Comments! No, no! But I can understand the misinterpretation. Actually he did not send any letter to the PSC as he was saying he is going to send or whatever. But actually there was no crime committed in the sense that no letter was sent to the PSC. That is what I said.

Mr Jugnauth: Mr Speaker, with regard to...

(Interruptions)

Mr Speaker: Order now! I said order! I do not see anything funny when hon. Jugnauth is putting a question.

Mr Jugnauth: Thank you, Mr Speaker, Sir.

(Interruptions)

Mr Speaker: Order! Hon. Ms Deerpalsing! Order!

Mr Jugnauth: With regard to the hedging disaster of Rs5.4 billion that was approved by the then Minister of Commerce, without the approval of Cabinet and at a time when technicians at the Ministry were saying that the price of oil was on a decreasing trend, I heard the hon. Prime Minister saying that an enquiry is on the way. We are talking about since July 2008. Would the hon. Prime Minister state by whom this enquiry is being conducted, which authority, and so far, since 2008, what is the outcome and what actions have been taken?

The Prime Minister: In fact, Mr Speaker, Sir, it is I who asked that an enquiry be carried out, and asked Mr Badhain to enquire in the first place because we do not want to have any malpractices. We want to know what has happened. So, that has been started and then ICAC has started investigating. That is the situation.

Mr Bhagwan: I have two supplementary questions. One is concerning the STC, alleged malpractices. Can the hon. Prime Minister inform the House whether whilst going through the Forensic Report, the name of one Mr Ah Fat has been mentioned in that report and that the same person, who has been involved in several malpractices, is now a senior adviser at the Prime Minister's Office? How does he reconcile the fact that the same gentleman who has been not only in one, but in several cases of malpractices is now being attached to his Office, whether he has discussed same with that person?

The Prime Minister: Mr Speaker, Sir, this is a good example of where we want to clean wherever there is allegation. We ourselves initiated the action but, in any case, not everything that they hear is true. I have to warn you about this and in any case, that is the proof that including him would be investigated by ICAC.

Mr Jhugroo: Can I ask the hon. Prime Minister whether he considers it proper for the Deputy Prime Minister to have participated in deliberations with regard to Med Point...

Mr Speaker: No! I will stop the hon. Member here! He cannot ask the hon. Prime Minister to divulge proceedings of the Cabinet. Hon. Bhagwan!

(Interruptions)

There are so many Members who are asking to put questions; I want to give everybody a chance.

Mr Jugnauth: Mr Speaker, Sir, on a point of order, the hon. Member is asking about deliberations with regard to a meeting, not Cabinet; whether the Deputy Prime Minister has participated in a meeting with regard to the Med Point issue. So...

(Interruptions)

Mr Speaker: In a meeting, yes.

(Interruptions)

Keep quiet! I am asking ...

(Interruptions)

Order! Order!

Mr Jhugroo: I am asking the hon. Prime Minister whether he considers it proper for the Deputy Prime Minister to have participated in deliberations in a meeting with regard to Med Point issue and not having declared his interest.

(Interruptions)

The Prime Minister: But I need to know what meeting the hon. Member is referring to.

(Interruptions)

Mr Speaker: Hon. Bhagwan, yes!

Mr Bhagwan: *Docteur inn dimann pardon ça!*

(Interruptions)

Mr Speaker: No, I have said

(Interruptions)

I am sorry!

(Interruptions)

The hon. Member has put a question which was not precise; he has said meeting...

(Interruptions)

Wait! I am moving to hon. Bhagwan now and then I will come back to the hon. Member.

(Interruptions)

Mr Bhagwan: Mr Speaker, Sir, I'll come to part (a), Med Point Clinic. Can I ...

(Interruptions)

Mr Speaker: Order! Hon. Lormus Bundhoo, please order. No cross talking!

(Interruptions)

Mr Bhagwan: With regard to part (a) Med Point Clinic, Sir, can I ask the hon. Prime Minister whether the Chief Government Valuer has resumed his work, whether he has taken office again? Can I also ask him whether this gentleman, who had lost his memory concerning this second evaluation, has regained his memory?

Mr Speaker: The first part of the question is allowed as to whether he has taken back his job.

The Prime Minister: As far as I know, he has left his work quite some time back.

Mr Lesjongard: Mr Speaker, Sir, with regard to the Central Electricity Board concerning the 11 engineers who have been suspended for the past one year, is it normal for an organisation ...

Mr Speaker: With due respect to the hon. Member, this question relates to ICAC on matters whether inquiries have been completed or not and not to that question.

Mr Lesjongard: Mr Speaker, Sir, in the question it is mentioned ‘recent tenders launched by the Central Electricity Board’.

Mr Speaker: Regarding the inquiry which is being carried out by ICAC.

Mr Lesjongard: This is ongoing for the past one year and...

Mr Speaker: No, that is not allowed, I have given my ruling: come with a substantive question.

Mrs Hanoomanjee: Mr Speaker, Sir, with reference to Rose Belle Sugar Estate, the hon. Prime Minister has just said that the hon. Minister of Agriculture himself had asked for an inquiry. Fair enough! Can I ask the hon. Prime Minister then what was the role of the representative of the Ministry of Agro-Industry on the Board? Wasn't he part and parcel of any decision which was taken?

Mr Speaker: That question has to be addressed to the Ministry of Agro-Industry.

Mr Jhugroo: Regarding the meeting, it was a meeting which was chaired by the hon. Prime Minister. I also want to ask the hon. Prime Minister whether he can confirm as to whether in the Med Point case the enquiries of the hon. Deputy Prime Minister and the hon. Minister Dr. Jeetah have already been completed.

Mr Speaker: The hon. Prime Minister has said that the inquiry is still on, he has answered the question and the hon. Member cannot ask for details as to who have been called and who have not been called, and this, under section 61 of the Prevention of Corruption Act.

(Interruptions)

Mr Jugnauth: With regard to the ...

(Interruptions)

Mr Speaker: Order!

Mr Jugnauth: With regard to the issue of the Cabinet proceedings, I heard what the hon. Prime Minister said in a press conference and now he has stated that if it was for himself, of course, he is willing to give, but the Secretary to Cabinet will take a stand on the case before the Court. Can I just ask the hon. Prime Minister to have a look at section 70 of the Constitution whereby it specifically says that the hon. Prime Minister can give instructions to the Secretary to Cabinet? I am asking, in the interest of Justice, being given that this Med Point issue has been ongoing for so long and that people are asking for the truth to come out, would the hon. Prime Minister not consider that it is within his powers, according to section 70, just to allow and to instruct the Secretary to Cabinet to publicise ...

Mr Speaker: No, I am sorry. This is a matter I have been informed of. I have read. I would have expected hon. Pravind Jugnauth to send me a copy of the proceedings which are pending before the Supreme Court right now. I understand he has entered an action, and the Prime Minister has said that the matter is pending there. Therefore, it is *sub judice*. How can he question on that?

Mr Bhagwan: The Prime Minister has stated his commitment to fight corruption in many of his replies, but can he inform the House, the country and the nation - the nation wants to know - at least when will he replace the member of the Board of ICAC who has passed away? The member has not yet been appointed.

Mr Speaker: This has nothing to do with this question. Hon. Leader of the Opposition!

(Interruptions)

Mr Bhagwan: The hon. Prime Minister must inform the nation.

Mr Speaker: Come with a substantive question!

Mr Bérenger: My last question, Mr Speaker, Sir. For today, my PNQ referred ...

(Interruptions)

My PNQ of today has had to refer to only the 10 *scandales le plus d'actualité*, otherwise my question would have gone three pages. Can the hon. Prime Minister say 'yes' when he checks whether any of these 10 *scandales* were alleged *scandales*? If any one of them has not been referred either to the Police or to ICAC to date, will he tell us that he will have the case referred to either ICAC or the Police as the case may be?

The Prime Minister: I did explain, Mr Speaker, Sir, it is my understanding that all of these cases - 10 or whatever cases – are already being investigated by ICAC. In fact, I should add there are several high profile cases in which we expected enquiries to be carried out. There are other cases that we have enquiries carried out.

Mr Speaker: Questions addressed to Dr. the hon. Prime Minister!

(Interruptions)

Order!

(Interruptions)

Order now! Hon. Bhagwan, you are the Whip of the Opposition, you must set the example. Let me carry on with my work. The Table has been advised that Parliamentary Question No. B/747 has been withdrawn. Hon. Ameer Meea!

EQUAL OPPORTUNITIES ACT - AMENDMENTS

(No. B/747) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and

External Communications whether, in regard to the proposed amendments to be brought to the Equal Opportunities Act, he will state where matters stand.

(Withdrawn)

NATIONAL SECURITY SERVICE - TELEPHONE TAPPING

(No. B/748) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to telephone tapping, he will state if same is being resorted to by the National Security Service.

The Prime Minister: Mr Speaker, Sir, I have on several occasions in reply to previous Parliamentary Questions on this issue reminded the House that section 3 of our Constitution guarantees the fundamental rights and freedoms of the individual which also covers the right of the individual to protection for the privacy of his home and other property.

I also stated that telephone tapping is only authorised under certain very specific situations, where it is rightly provided by our laws in the interests of the sovereignty of the State, national security and public order and for which there are already established parameters.

Telephone tapping can only be done in accordance with the provisions of our laws. A citizen is entitled to exercise his right to impart ideas and information over the telephone without interference, subject only to the limitations provided in our laws.

I would like to inform the House that when the Police wish to have recourse to telephone tapping in connection with criminal proceedings, they have to apply for an appropriate order to a Judge in Chambers.

In such criminal cases where mobile phone, telephone or other telecommunication service have been used in breach of the ICT Act, the Police applies *ex parte* or otherwise to a Judge in Chambers for an order authorising a public operator or any of its employees to intercept, withhold or disclose to the Police an information or communication message. Such Judge's Order remains valid for a period not exceeding 60 days.

The Police forward the Judge's Order to the public operator directing the disclosure of the name and address of the alleged offender. The operator provides only an itemised bill containing the particulars of the incoming and the outgoing calls from the mobile phone, telephone, or other telecommunication service concerned. No contents of the communications held are disclosed to the Police.

We must ensure that the Police, in its mission to safeguard the national security, have the required powers and tools to perform their functions effectively and that they use them appropriately.

The ICT Act 2001 and the Prevention of Terrorism Act 2002 provide that there can be interference with a telecommunication message in certain specific circumstances.

The Information and Communication Technologies Authority has informed that as at to date, the Authority has made no recommendation to authorise interception of telephone messages to the Minister responsible for the subject of information technology and telecommunications pursuant to section 3(2) of the ICT Act 2001 nor has the Authority received any request from any operator for written directions under section 32(5)(b) of the Act.

Also no direction has been given to any communication service provider under section 25 of the Prevention of Terrorism Act.

Mr Ameer Meea: Mr Speaker, Sir, recently, there have been several allegations of destabilising the Government, the country and, in a past PQ, PQ B/424 in 2006, the hon. Prime Minister stated -

“When the Police complained that they were not able to intercept any kind of communication that was going on about those people who were trying to destabilise the country, therefore, on their requests, I agreed that the equipment be bought, but I ensured that it will go together with a law such as the Interception of Communications Act as you have in UK. That is, in other words, not even the Prime Minister or any Minister can ask for a telephone to be tapped. That is what I had in mind.”

Therefore, Mr Speaker, Sir, can I ask the hon. Prime Minister, firstly, whether in respect to the recent allegation of destabilising the Government, the country, if instructions have been given to tap the telephone of certain individuals?

The Prime Minister: In fact, the hon. Member is making reference to my first term in office where, because I have myself been a victim - I have proof of this, that is why when you have been a victim, you react differently - maybe, I decided at one point - there was the then Leader of the Opposition, hon. Gaëtan Duval, who insinuated that his telephone was tapped; I was very close to him even though he was Leader of the Opposition. We were in Government then together with the MMM and I asked whether this could be true because there were no instructions to tap anybody's telephone, including the former Prime Minister and whoever. I was given a guarantee that no telephone tapping is taking place. They get information from different quarters and that is why they do so.

(Interruptions)

I think everybody knows my nature; I don't trust people easily, as you know.

(Interruptions)

Nobody! So, what I did is that I mistakenly - and, I agree, mistakenly - against advice, I undid all the equipment that there was. There was no possibility of tapping at all at the time. Then, we had two incidents: one, Sabapathee who had escaped from prison and the Police could not even know who was talking to whom and then there were the riots. Then, I decided - and I agreed then that this was a wrong, probably, move that I did - to have the new equipment put back, but the new equipment never came on time. I lost the elections in 2000, there was no equipment in place, but the equipment came and the then Government decided, rightly, that the equipment should be set up. But they did not come up with the draft Bill that we had prepared. After that, they had the Dangerous Drugs Act which has been amended and also the Prevention of Terrorism Act came in place. That is why it is so.

Mr Ameer Meea: Mr Speaker, Sir, concerning the Interception of Communications Act which was stated by the hon. Prime Minister in 2006, can I ask him where matters stand in relation to the Interception of Communications Act? Why such an Act, though announced in 2006, has not been presented to this House and also if the hon. Prime Minister still have it in mind?

The Prime Minister: No. I just explained that in between that there has been the Prevention of Terrorism Act which gives quite a wide range of powers. It is felt that it is needed under circumstances. Secondly, there is another difficulty, I must tell the hon. Member frankly. We had this person from France, Caterino, who was bringing Subutex tablets in Mauritius and we were not getting cooperation that we thought we should get from the French authorities and the reason they gave is that at the time we go, they are not prepared to do it under the circumstances that we are operating, that is, when we go to ask for an affidavit to

be sworn for certain things, all the information is already out and nobody can follow him. So, it's not going to work as it should have worked.

Mr Ganoo: Mr Speaker, Sir, telephone tapping is a severe intrusion in the privacy of a citizen. Since the Prime Minister says that he does not trust anybody, is he aware that the National Security Service in Mauritius, perhaps without his knowledge, are daily and routinely monitoring communication of people in this country? Can I ask the hon. Prime Minister whether he will amend the Police Act because the Police Act prevents...

Mr Speaker: The hon. Member has put a question as to whether the National Security Service is monitoring day in and day out. Let the hon. Prime Minister answer this first and then he can come with whatever amendment he wants to propose.

The Prime Minister: Maybe if we were the United States of America we could monitor everybody! But do you know how much this equipment costs? So, it's not possible and in any case I hardly think that they would lie to me. They are not doing it and it's not possible to do it. We can only get, as I explained, the 'who called whom'. That is all that we are restricted to.

Mr Ganoo: Will the hon. Prime Minister, therefore, think in terms of amending the Police Act which prevents the National Security Service to be engaged in any political activity? Therefore, the advisability of amending the law to prevent the National Security Service to get involved in any telephone tapping of our citizens, including the Members of this House and including, perhaps, even the hon. Prime Minister!

The Prime Minister: I believe that it actually would be illegal if they were to do it, because there is no instruction for them to do it. The hon. Member has

been in Government also for a long time; there are certain reasons why this is not brought in because, as I said, there is a question of national security, there are questions of people dealing with dangerous drugs or terrorism activities and all this. That is why it is there.

Mr Bodha: Mr Speaker, Sir, in view of the fact that technology is very sophisticated today, may I ask the hon. Prime Minister whether there is some sort of control for the importation of such devices into Mauritius and whether there has been any seizure of such devices here?

The Prime Minister: As far as I remember - I am speaking from memory - there have been cases of these devices being seized. That is why I tell the hon. Member that today it is a sophisticated world, all sorts of instruments are available all over the place. Even in England, supposedly, the future king has been tapped.

Mr Speaker: Hon. Leader of the Opposition!

Mr Bérenger: We are talking about telephone tapping and the hon. Prime Minister is telling us that it is not taking place by NSS; we believe the contrary. I am sure what has taken place recently in London - the hon. Prime Minister is fully aware: hacking, not tapping by the secret services - telephone hacking on a wide scale by journalists and others. Can I ask the hon. Prime Minister that we should see to it that we ban in the law, we make it illegal for the Police, the NSS, to resort to tapping except in very specific circumstances and, in the same breath, we make it illegal for telephone hacking to take place in Mauritius?

The Prime Minister: That is a very good point. I am glad the hon. Leader of the Opposition has raised the issue. In fact, if you remember, Mr Speaker, Sir, we were coming with a media law which Mr Geoffrey Robertson, QC, was preparing and he has asked that in view of what has happened in the UK with the

hacking system, we need to be more even careful with these laws. In fact, he has asked to meet me in Australia and we will finalise the Bill on hacking. Let me also reassure hon. Ganoo that I am one of those persons who care a lot about privacy of people. All sorts of things happen and we will be coming with privacy laws in that Media Law and we will address the problem of hacking. Not just the NSS or the hon. Leader of the Opposition, but anybody can! The case of hon. Khamajeet is an example.

Mr Bérenger: Mr Speaker, Sir, just as a follow-up, because the hon. Prime Minister wanted to reassure us, will he reassure me that what is taking place in the UK will not take place here, that is, using as a pretext the fact that some people - including non journalists - have broken the law by resorting to phone hacking? Now some people are trying to use that to hit at the freedom of the press. Will he reassure me that this will not take place in Mauritius?

The Prime Minister: Any form of hacking is not something that we can tolerate and accept, Mr Speaker, Sir, that is why we are going to come with the law but, unfortunately, because of what has happened in the UK, there are now different views; even the press Council, we know, is dead as if at birth. It is not working as it should and that is why Mr Geoffrey Robertson QC is taking particular care about this phone hacking business.

Mr Jugnauth: Will the hon. Prime Minister say which Institutions or even individuals are in possession of such kind of equipment to intercept telephone conversations or even messages?

The Prime Minister: I didn't say that, but I am saying that when you go abroad they are selling all sorts of equipment. Even in the Far East equipment are available. It is difficult to know if somebody has brought in with an escaped knowledge, but it is illegal to bring them.

Mr Lesjongard: Mr Speaker, Sir, may I ask the hon. Prime Minister whether he has an Advisor in his office who is an expert in telecommunication and in such telecommunication equipment?

The Prime Minister: There is an Adviser on security to look at security matters, but he is not involved in any of these things. He looks at the security of the officers.

Mr Jugnauth: We won't know, of course, who are those individuals who brought in illegal equipment in an illegal manner. I am talking about those which are legally in possession of the equipment. Does the hon. Prime Minister know what are the institutions or if there are individuals?

The Prime Minister: No, we are not aware of anybody because there is no authority to legally import these things. But I was speaking about people who might have hidden and brought it illegally.

Mr Speaker: Next question, hon. Lesjongard!

DATE RAPE DRUGS - CASES

(No. B/749) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to date rape drugs, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, since 2005 to date, indicating if inquiries have been carried out thereinto, and if so, indicate the outcome thereof, including the -

- (a) names of the night clubs concerned therewith, if any
- (b) tests carried out and measures taken to detect the presence of drugs, and

- (c) measures taken to prevent the commission thereof.

The Prime Minister: Mr Speaker, Sir, the offence of rape is governed by Section 249 (1) of the Criminal Code. No express reference is made in that section to date rape or date rape drugs.

I assume that the hon. Member is referring to cases where victims have been raped following deliberate administration of drugs that may have sedative, hypnotic or amnesiac effect in or near night clubs which made it impossible for them to consent to any act of intercourse.

I assume that this is what the hon. Member is referring to.

In regard to part (a) of the question, according to the Commissioner of Police, from January 2005 to 14 October 2011, no such cases of rape at or near night clubs, have been reported to the Police.

In regard to part (b) of the question, I am informed that in all cases of rape whether by force, fear or fraud, specimens of blood, urine, hair and sometimes, stool are taken for the presence of drug.

In regard to part (c) of the question, the Police have taken the following measures -

- (i) detection strategies including joint operations carried out by the local Police, ADSU, the *Police de L'Environnement* and the *Police du Tourisme* at night clubs and places of complaints, and crack-down operations during school holidays by the *Brigade pour la Protection des Mineurs*, and
- (ii) prevention strategies comprising Community Policing Forums with all stakeholders who are sensitised on all aspects of crimes, including

rape by fraud. The Police also operate on the basis of intelligence received.

Furthermore, the Police Family Protection Unit and the *Brigade pour la Protection des Mineurs* focus on prevention insofar as sexual abuse is concerned by carrying out sensitisation campaigns with children and women on -

- (a) protective behaviours and personal safety;
- (b) service provided by the Police, the Ministry concerned and other stakeholders, and
- (c) relevant laws and other instruments relating to sexual abuse.

Mr Lesjongard: Will the hon. Prime Minister agree that no such cases have been reported to the Police Forces because the victims cannot make a statement for they cannot remember what has happened to them which are one of the characteristics of such drugs?

The Prime Minister: Two things happen, Mr Speaker, Sir. The question was in or near night clubs; I refer to that particular section. There were 426 cases which have given negative results, but the problem is very often the cases are reported well after the alleged offence has taken place and, consequently, medical examination cannot trace the presence of any drug in the blood. That is one of the problems that they have.

Mr Bérenger: The hon. Prime Minister is giving us a disturbing number of cases that have been reported. Can I ask the hon. Prime Minister whether the Police have tried to focus and target some night clubs because it seems that in some of these night clubs several incidences have taken place? Has the Police done forensic enquiry to try and target those night clubs where those cases have taken place?

The Prime Minister: In fact, the Police are doing so, Mr Speaker, Sir. For some time now, they are targeting those nightclubs.

Dr. Boolell: May I ask the hon. Prime Minister whether the Police have actually gone specifically for two drugs, which are loosely labelled as being rape date drugs, which are ecstasy and Rohypnol and whether the Police have the facilities to diagnose the presence of these, which do stay in the urine of anyone, even for days afterwards?

The Prime Minister: In fact, I was hoping that the hon. Member wouldn't mention the name because it will give idea to people but, in fact, the Police are targeting these. They have the kits to analyse it.

Mr Speaker: Hon. Lesjongard!

Mr Lesjongard: Thank you, Mr Speaker, Sir. May I ask the hon. Prime Minister whether his attention has been drawn on two specific nightclubs; one in the northern part of the country and the other one in the western part of the country where such practices might be taking place?

The Prime Minister: This is my answer to the hon. Leader of the Opposition. The Police are targeting those particular night clubs, among there is another one as well.

Dr. S. Boolell: Will the hon. Prime Minister be amenable to name and shame those night clubs and diffuse information for the sake of those young people who do go to night clubs so that they actually be made aware of the dangers of such drinks?

The Prime Minister: I am not sure whether it would be right to name and shame those night clubs because it is not everybody who is in the night club that is doing it. There might be one or two. I am not so young unfortunately.

Mr Speaker: Hon. Lesjongard, last question!

Mr Lesjongard: Thank you Mr Speaker, Sir. May I ask the hon. Prime Minister if regular visits are carried out in those night clubs?

The Prime Minister: I don't want to give details, but they are being done.

FISHERMEN - WEATHER FORECAST BULLETINS

(No. B/750) **Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the fishermen, he will, for the benefit of the House, obtain from the Meteorological Services, information as to if consideration will be given for the -

- (a) broadcasting of additional weather forecast bulletins at 6.00 p.m. and/or 7.00 pm everyday for the following day on radio and/or television, and
- (b) setting up of a Short Message Service or Voice Mailbox System, with a view to facilitating the fishermen's decision before embarking at sea and if so, when and, if not, why not.

The Prime Minister: Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Director of the Mauritius Meteorological Services that the weather forecast bulletin issued every day afternoon by the Meteorological Services also includes a forecast of the sea conditions for the following day for the benefit of fishermen and the sea goers in general.

I am informed by the Director-General of the Mauritius Broadcasting Corporation that this weather forecast bulletin is broadcast on radio and television as follows -

- (i) on Kool FM Radio at 1805 hours in the News Bulletin;
- (ii) on Radio Maurice at 1900 hours which is also broadcast in Rodrigues;
- (iii) on Rodrigues FM Radio at 1745 hours and 1815 hours;
- (iv) on Radio Maurice and Taal FM at 1805 hours in the Hindustani News Bulletin;
- (v) on MBC TV Channel 2 at 1920 hours after the News Bulletin in Creole which is also broadcast in Rodrigues;
- (vi) on MBC TV Channel 1 at 2010 hours after the News Bulletin in French which is also broadcast in Rodrigues, and
- (vii) on MBC TV Channel 3 at 1845 hours after the News Bulletin in English.

I am further informed by the Director of the Mauritius Meteorological Services that special communiqués for exceptionally rough seas, sea swells and tidal waves are issued, as and when necessary, in advance, by the Meteorological Services for the information of the whole population. These special bulletins are also broadcast by the MBC on radio and television.

In addition, live interventions are made every day by forecasters of the Meteorological Services at 0500 hours on MBC Rodrigues and at 0700 hours on MBC Kool FM.

In regard to part (b) of the question, I am informed by the Ministry of Fisheries and Rodrigues that there are a number of implications for the setting up of a Short Message Service or Voice Mailbox System for the fishermen community. These have to be examined, in consultation with all stakeholders concerned.

Mr François: Mr Speaker, Sir, is the hon. Prime Minister aware that the weather broadcast - as already mentioned - simply gives a general communiqué with no specification for fishers? That is why I am asking whether the MBC or the Meteorological Station will see to it, to review and give additional information with regard to broadcast for fishers?

The Prime Minister: I am told that they do what they have to, but I can talk to the Member and ask him to get in touch with the MBC. What exactly he has in mind, I am not quite sure.

RODRIGUES - ROAD & PUBLIC SAFETY MEASURES

(No. B/751) Mr J. F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Rodrigues, he will state if any adviser of his Ministry recently undertook any official mission thereto to effect any appraisal of the road and public safety issues thereat and if so -

- (a) indicate the outcome thereof, and
- (b) table the report submitted, if any, in relation thereto.

The Prime Minister: Mr Speaker, Sir, from 28 June to 03 July this year, the Adviser on Road Safety from my Office, accompanied by a Civil Engineer and two Police Officers, did carry out a visit to Rodrigues with a view to -

- (i) holding meetings with stakeholders in the field of road safety and coming up with a line of action on road safety activities;
- (ii) assessing the current accident data collecting and recording systems of the Police in Rodrigues, and

- (iii) creating awareness on road safety issues through radio programmes and public talks across the island.

During its mission, the team had meetings, among others, with members of the Rodrigues Road Safety Committee, NGO's, bus owners and driving school instructors. Visits were also carried out at sites considered as black spots.

In regard to part (a) of the question, I am informed that following its mission, the team has submitted a report containing a series of recommendations including -

- (i) the reactivation of the Rodrigues Road Safety Committee;
- (ii) the development of a protocol for collection, coding and storing of accident data in Rodrigues;
- (iii) setting up of a year round radio and TV programme schedule to ensure continuous sensitisation on road safety issues, and
- (iv) minor infrastructural works required at specific places for the improvement of road safety in Rodrigues.

The report has been submitted to the Rodrigues Regional Assembly and a number of the recommendations concerning minor infrastructural works have already been implemented.

In regard to part (b) of the question, I am tabling a copy of the mission report.

Mr François: Mr Speaker, Sir, with regard to the answer of the hon. Prime Minister, will he inform us whether a full restructuring of the Road Traffic Branch in Rodrigues is in the pipeline with regard to Test Centre which is being done in a

police garage with no computers for learner's test and not even a higher grade officer within this very important branch?

The Prime Minister: This has been the situation for a long time. That is why we are doing it.

RODRIGUES - PUBLIC FINANCES - INQUIRY

(No. B/752) **Mr J. F. François (Third Member for Rodrigues)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Rodrigues, he will state if he proposes to set up a Commission of Inquiry to look into the public finances thereof, for the period July 2006 to-date, following the comments made by the Director of Audit in its various reports in relation to governance and the conduct of the public finances by the Rodrigues Regional Assembly.

The Prime Minister: Mr Speaker, Sir, as announced in the Government Programme 2010-2015, the former Management Audit Bureau has been reorganised since August 2010 into an Office of Public Sector Governance.

The Office of Public Sector Governance, which operates under the aegis of my Office, has the responsibility to ensure that public management becomes more cost-effective and outcome-oriented and, is in line with the best practices of governance, in particular, those relating to transparency and accountability.

Mr Speaker, Sir, I am informed by the Director of the Office of Public Sector Governance that, in line with its new mandate, his Office is already carrying out a monitoring exercise to ensure that Public Sector Organisations, including the Rodrigues Regional Assembly, implement corrective action to address issues raised in the Reports of the Director of Audit. That is why the question of setting

up a Commission of Inquiry to look into the public finances of the Rodrigues Regional Assembly does not arise.

Mr François: Mr Speaker, Sir, we have no doubt and I agree with the hon. Prime Minister about the existence of these various institutions. Is the hon. Prime Minister fully aware of the saga and *gaspillage de l'argent public* where public money is being used à des fins politiques et sur une base partisane...

(Interruptions)

...in many regions of Rodrigues through fishy transactions and tailor-made contracts, for example, construction of track roads under Food Security Fund simply for political agents.

(Interruptions)

The Prime Minister: It is more appropriate to ask the question to the hon. Minister, but let me say, that is why the office of Public Sector Governance is looking into all these matters and action is taken once they do it.

Mr François: Mr Speaker, Sir, will the hon. Prime Minister agree that the various audit reports are very damning against the Rodrigues Regional Assembly? Will he inform us whether he agrees that the *lasser-faire* situation that prevails in Rodrigues has to be stopped once for all?

The Prime Minister: That is why they are investigating into those matters.

CARGO HANDLING CORPORATION - FINANCIAL SITUATION

(No. B/753) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Cargo Handling Corporation,

he will, for the benefit of the House, obtain from the Corporation, information as to the current-

- (a) financial situation thereof;
- (b) amount of outstanding debt thereof, and
- (c) number of staff members employed thereat.

The Prime Minister: Mr Speaker, Sir, I wish to inform the House that the Cargo Handling Corporation Ltd has, since 1999, embarked on a massive transformation of terminal operations at the Mauritius Container Terminal through the purchase of new cargo handling and Information Technology equipment at the cost of approximately Rs1.7 billion in order to improve efficiency of the service at Port Louis harbour.

As a result of such investment, the Mauritius Container Terminal has now proved to be one of the best equipped terminals in the region providing a round-the-clock service. Had the Cargo Handling Corporation Ltd. not taken the initiative to invest massively in view of meeting the international performance standards, Port Louis harbour would not have been in a position to attract bigger container vessels and transshipment cargo as it is doing now. It is timely to underscore that productivity at the Terminal has been increasing over the years and the number of moves of containers per hour has reached 20 compared to 16 in 2008. The average waiting time for container vessels has also decreased drastically from 48 hours in 2008 to two hours on average at present.

Mr Speaker, Sir, the investments I have referred to were financed mostly through long term loans and consequently the debt servicing of the Corporation has now increased to Rs200 m. annually.

In regard to part (a) of the question, I am informed by the Cargo Handling Corporation Ltd that for Financial Year July 2010-June 2011, the Corporation registered a profit before tax of Rs300,000 compared to a loss of Rs177 m. for the previous financial year.

For the current financial year, starting July 2011, up to the end of September which is considered to be lean months for cargo traffic, the figures show a loss of Rs37.6 m. The financial situation of the organisation is expected to improve towards the end of the year.

In regard to part (b) of the question, I am advised that outstanding debt on loans contracted for the development projects stood at one billion and one hundred and seventy three million rupees (Rs1,173 billion) as at 30 September 2011.

Regarding part (c) of the question, the Cargo Handling Corporation Ltd. is currently employing one thousand four hundred and thirty-seven employees.

Mr Uteem: Mr Speaker, Sir, answering to a PQ last year in July 2010, the acting Prime Minister mentioned in relation to the possibility of having a strategic partner that the document - and I quote - 'was being finalised'. May I know from the hon. Prime Minister what is the status with regard to the strategic investors who were supposed to buy shares in Cargo Handling Corporation?

The Prime Minister: We asked the IFC to assist us so that we know that we have the standard that we require. They have agreed and they have done so and I think they are finalising the process of examining the tenders as far as I know.

Mr Speaker: Hon. Leader of the Opposition!

Mr Bérenger: Can I ask two questions Mr Speaker, Sir. One, I heard the hon. Prime Minister saying that the Cargo Handling Corporation has moved from a loss situation to a profit making situation. The figure which he has quoted for the

last financial year, is that figure profit, after all interests have been paid, capital repayment, everything has been paid, therefore it is real profit of so much?

The Prime Minister: I don't know whether they take capital in that context, but I understand that is the profit compared to a loss of Rs177 m. for the previous financial year. I did also say that the figures show a loss this year again of Rs37.6 m., but they expect the figure to improve because of the timing. These months for the cargo traffic are supposed to be lean months.

Mr Bérenger: They are still losing money. The presentation gave the impression that the latest figures had developed into profit making; they are still making losses. Now, I listen carefully to the hon. Prime Minister. He gave a figure for debt outstanding, but it seems that it is debt outstanding concerning money that has been borrowed to purchase equipment. Can I ask the hon. Prime Minister what is the total debt outstanding at present of the Cargo Handling Corporation?

The Prime Minister: Two things Mr Speaker, Sir, just to clarify. They were making losses, as I said; the year before, it was Rs 177 m.; it was before tax, I am talking about. Then they made a profit of Rs300,000. This year they have gone slightly back in the negative Rs37.6 m., but that they believe it is because of the lean months for the cargo traffic. Probably, they will end up in a much better situation.

The total outstanding debt is Rs1,173 billion.

Mr Speaker: Last question.

Mr Uteem: Thank you, Mr Speaker, Sir. With respect to the employees of the Cargo Handling Corporation, would the hon. Prime Minister inform the House about the number of casual workers who have been recruited since 2005 and

whether there has been any report made by any expert highlighting any labour issues which may have an adverse impact on the financial result of the Corporation?

The Prime Minister: I don't have details about the number of casual workers who are working and no report on that.

Mr Speaker: Time is over! The Table has been advised that PQ Nos. B/755, B/758 and B/802 have been withdrawn. Questions addressed to hon. Ministers! Hon. Ameer Meea!

R. S. DENIM - ADDITIONAL STIMULUS PACKAGE

(No. B/765) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to R.S. Denim which benefited from financial assistance under the Additional Stimulus Package, he will state -

- (a) the debt situation thereof, and
- (b) where matters stand as to the proposed sale thereof.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, with regard to part (a) of the question, I am informed that when R. S. Denim sought financial assistance in December 2008, its debts amounted to Rs930 m.

As far as part (b) of the question is concerned, I am informed that an interim manager was appointed by the creditors initially for a period of three months up to 30 June 2009, to keep the factory running on a going concern basis and to solicit offers for a buyout of the company in the best conditions. An invitation was accordingly launched on 29 May 2009 to international legal firms and banks to identify prospective buyers. However, no serious offers were received. The

interim manager continued to operate the factory with assistance from financial institutions up to January 2010.

An Administrator was appointed on 21 January 2010 by the Development Bank of South Africa, one of the major secured charge holders. A purchaser was found on 30 June 2010 to acquire the business as a going-concern. The new owner purchased the plant and machinery for US\$3 m. It eventually offered to purchase the company's building in January 2011 for a further US\$5 m. The formalities for sale of the business are being finalised by PricewaterhouseCoopers and KPMG as joint liquidators.

Mr Speaker, Sir, all the jobs in the company have been saved. Indeed, I am informed that production as well as the turnover has increased substantially. The financial support in the sum of Rs76 m. provided by Government under the former Mechanism for Transitional Support to Private Sector scheme will be reimbursed in full from the proceeds of the sale of business. The sale is expected to be completed by the end of this month.

Mr Ameer Meea: Mr Speaker, Sir, can I ask the hon. Minister of Finance what is the total amount of money that Government, directly or indirectly by the SIC, has injected in R. S. Denim?

Mr Duval: Mr Speaker, Sir, I understand that there were some shareholdings by SIC and probably another institution, but if the Member asks a substantive question, I will reply to him.

Mr Uteem: Mr Speaker, Sir, there has been substantial loss made by Government through investment, and the hon. vice-Prime Minister is going to check the figures. May I know from the hon. vice-Prime Minister and Minister of Finance what action has been initiated at the Government level to find out whether

the initial investment, first of all, was justified, and whether the investment through the Stimulus Package afterwards was justified?

Mr Duval: Mr Speaker, Sir, as far as the Stimulus Package being justified or not is concerned, I think it is undoubted that it was justified. Firstly, because all the money has been or is being returned; secondly, because the company is now producing extremely well and, thirdly, because the number of jobs there has, in fact, doubled. That's one thing. As far as the initial investment is concerned, I should perhaps remind the House that we were not the only investor; I mean the major investor was a South African Bank, the Development Bank. So, if a mistake was made, it was not only made by Mauritius; it was made by a number of other players, including some international banks.

Mr Ameer Meea: Mr Speaker, Sir, the Government was not the investor, and the bank was a creditor. It was not the investor in R. S. Denim. We know who is the investor, the main shareholder. I heard the hon. vice-Prime Minister say that the debt situation in December 2008 amounted to Rs930 m. But, in my question, I said the debts situation thereof, that is, as at now, what is the debt level of the company.

Mr Duval: Mr Speaker, Sir, I did mention to the hon. Member that I will provide information as to the investment made by SIC. So, if he asks a question, I will reply to it.

Mr Speaker: Before proceeding further, I will have to remind hon. Members that supplementary questions, according to the Standing Orders and Erskine May, are meant to ask clarification on answers that have already been given. There is no comment that should be made on what the Minister has answered, but clarification asked on what he has said.

Mr Ameer Meea: On a point of order, Mr Speaker, Sir, in my question, it is clearly said the debt situation thereof.

Mr Speaker: No, that is the second part. At the beginning, if the Member hears the recording, he will see that you made comments.

Mr Duval: Mr Speaker, Sir, I will be very happy to circulate it.

Mr Speaker: The hon. Minister has said he is going to circulate.

Mr Duval: I gave the overall debt situation. If the hon. Member wants a breakdown, he should ask for it, and I will circulate the breakdown of the debt. There is no problem. He is an accountant too. He could have asked for a breakdown, and I would have provided it.

Mr Uteem: I would like to draw the hon. Minister's attention to the reply given by one of his predecessors in reply to a PNQ on 18 May 2009 on the value of R. S. Denim -

“But let me make it very clear, Mr Speaker, Sir. In the case of R. S. Denim, the assets are worth more than Rs1 billion because of that building itself.”

May I know from the vice-Prime Minister how is it that two years ago the assets were worth Rs1 billion, and today he is very happy that the assets have been sold for peanuts?

Mr Duval: Mr Speaker, Sir, I must mention that I am not responsible for whoever answered the first question. But I must say that, in fact, the assets were disposed of by two very well-known international firms of auditors, KPMG and PricewaterhouseCoopers. The liquidators obviously must take responsibility for selling the assets and obtaining hopefully the best price.

SALE BY LEVY - CASES

(No. B/766) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the protection of the borrowers he will -

- (a) for the benefit of the House, obtain from the -
 - (i) Commissioner for Borrowers, information as to the number of -
 - (i) cases referred thereto, indicating the outcome thereof in each case, and
 - (ii) properties sold at the Master's Court, since the adoption of the Protection of Borrowers Act to date, on a yearly basis, and
 - (ii) Sale by Levy Solidarity Fund, information as to the number of victims of the sale by levy who have benefited therefrom, indicating the sums disbursed in each case and
- (b) state if Government proposes to recommend the inclusion of reporting from non-financial institutions at the Mauritius Credit Information Bureau.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, concerning parts (a)(i)(i) and (a)(i)(ii) of the question, the information is being compiled and will be tabled as soon as it is available. As far as part (a)(ii) is concerned regarding the Sale by Levy Fund, this is available, and I am tabling the information.

The House will note that the Commissioner for Borrowers is no longer in post. Regarding part (b) of the question, section 52 of the Bank of Mauritius Act enacted in October 2004 makes provision for the setting up of the Mauritius Credit Information Bureau (MCIB). The latter became operational on 01 December 2005

with the participation of 13 banks, in accordance with the then existing legal framework.

The Bank of Mauritius Act 2004 was amended in July 2008 through the Finance Act 2008 to allow the extension of MCIB's coverage to all institutions offering credit, including leasing facilities, hire purchase companies and utility companies. The Bank of Mauritius initiated procedures to extend MCIB's participation to a wider coverage of institutions, including non-bank financial institutions.

The Bank of Mauritius Act was further amended in July 2011 to empower the Bank of Mauritius to take action against any institution which fails to become a participant in the MCIB, as requested by the Bank.

Mr Speaker, Sir, I am informed that the Bank of Mauritius is holding discussions with other non-bank financial institutions to provide the framework for their early participation in the MCIB, and will consider imposition of fines if this becomes necessary.

DEEDS – REGISTRATION - DUTY EXEMPTION

(No. B/767) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, following the re-introduction of the registration duty exemption on registration of deeds for first time buyers for the purchase of bare and built up land in the Finance Act of 2010, he will state if consideration will be given for the -

- (a) re-introduction of the registration duty exemption on registration of deeds of loans for first time buyers and for borrowers constructing a house for the first time as provided for under the Land Duties and

Taxes Act and the Registration Duty Act, prior to the Finance Act of 2006, and

- (b) introduction of first time buyer exemption for projects falling under *Vente à l'Etat Futur d'Achèvement*, *Vente à Terme* and shares sold in *Société Civile Immobilière d'Attribution*?

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, part (a) of the question is a policy decision and as the hon. Member is aware, it is not customary to deal with such matters ahead of the Budget.

With regard to part (b) of the question, I am informed that the first time buyer exemption also applies to acquisition under '*Vente en l'état futur d'achèvement*' and '*Vente à terme*', except where such purchases are in respect of the Integrated Resort Scheme, Real Estate Scheme and Invest Hotel Scheme.

Regarding the proposal for granting exemption in respect of acquisitions through a '*Société Civile Immobilière d'Attribution*', this will be considered during the budget process.

EEZ - ENVIRONMENTAL POLLUTION - MONITORING

(No. B/768) Mr J. F. François (Third Member for Rodrigues) asked the Minister of Environment and Sustainable Development whether, in regard to our territorial waters, he will state -

- (a) if any mechanism for the control, prevention and monitoring of environmental pollution from oil spills or any hazardous wastes emanating from vessels sailing therein has been put in place;

- (b) if any pollution of the east and south east coastal region of Rodrigues by pellets of crude oil or by-products has been reported, on or about mid July 2011, and
- (c) the measures taken for any scientific analysis and the tracking down of the polluters thereof and if not, why not.

Mr Virahsawmy: Mr Speaker, Sir, there is a mechanism for control, prevention and monitoring of environmental pollution at sea. The Environmental Protection Act provides for any person, who is informed or otherwise made aware of a spill at sea, shall immediately notify the Director of Environment. Furthermore, the National Coast Guard, which is equipped with fixed wing aircraft and ships as well as a coastal surveillance radar system maintain a watch on possible pollution at sea during their routine surveillance sorties.

Whenever a case of suspected spill is reported to the Director, the Office of the Commissioner of Police is requested to conduct a survey to know the exact location of the spill and the extent of the spill.

The National Oil Spill Contingency Plan which makes provision for the prevention, mitigation and control of marine pollution caused by spills may then be activated, depending on the nature of the spill.

A similar arrangement is operational in the Island of Rodrigues whereby cases of suspected spills have to be reported to the Island Chief Executive and subsequently, the Rodrigues Oil Spill Contingency Plan is activated should it be deemed necessary.

As regards part (b), I am informed that on 12 July 2011, hardened oil in a pellet form commonly known as star balls was observed along the beach from Anse Femi to Gravieres. On the same day, personnel of the Rodrigues National

Coast Guard conducted a site visit to verify information and performed afloat patrol in the region at sea. Scattered pellets of hardened oil were found along the beach over a stretch of 3 kms. No oil spill was observed at inner and outer lagoon area at the time of visit. Origin of the pellets could not be traced out but suspected to be coming from high seas and washed ashore by breaking waves. A clean-up operation involving personnel of the Rodrigues NCG, under the supervision of Rodrigues Environment Unit was conducted mainly on the coast between Anse Femi and Mourouk. The pellets were removed and no reoccurrence have been noted.

Regarding part (c) of the question, in spite of the limitation of the facilities available, some three nautical miles of lagoon was surveyed and monitoring of the area was maintained from 12 July to 18 July. The source of pollution could not be ascertained and no vessel was found in the vicinity during afloat patrol. Consequently, no further investigation including any scientific analysis has been pursued.

Mr François: I thank the hon. Minister for his answer. Mr Speaker, Sir, may I ask the hon. Minister whether he is prepared to request the officers of his Ministry to carry out regular laboratory tests of the quality of our territorial sea waters around Rodrigues in collaboration with the Regional Assembly to monitor sea water quality being given that at present we do not have any laboratory of this kind? There are also regular complaints by fishermen with regard to fish like 'Licorne' which taste like petrol at present. It is quite a hazardous stuff for public health.

Mr Virahsawmy: We shall do this exercise jointly with the Ministry of Rodrigues.

Mr François: Mr Speaker, Sir, with regard to the National Oil Contingency Plan, may I ask the hon. Minister whether any stimulation exercise has been carried out recently in Mauritius or in Rodrigues and if not, for Rodrigues will he look into doing one?

Mr Virahsawmy: A stimulation exercise was carried out in Mauritius and we will arrange for one to be done in Rodrigues also.

Mr Obeegadoo: Mr Speaker, Sir - I speak on part (a) of the question – further to the recent incident with the Angel I ship, I would like to know whether the Ministry has taken any decision to review this so-called National Oil Spill Contingency Plan and also the Regional Oil Spill Contingency Plan since we know it took ten long days for the pumping of oil to actually begin fuel from the ship?

Mr Virahsawmy: In fact, I must say that the work with Angel has been done very well taking into consideration what is happening in New Zealand where nothing can be done up to now. However, we are also studying the possibility to set up a Regional Oil Spill Combat Equipment Unit to be established within the Regional Coordination Centre in the medium to long-term to enable swift availability and mobilisation of equipment to face any anticipated oil spill. In fact, we are looking at doing it under the OIC to regroup the various island States so that it will be equipped with more sophisticated equipment.

Mr Bhagwan: Mr Speaker, Sir, apart from the National Oils Spill Contingency Plan, there was a Port Area Contingency Plan. Can the hon. Minister inform the House whether there is close coordination between the Port Authorities and the Ministry of Environment as far as oil spill is concerned and whether there was a problem of communication between the Port Authorities and the Ministry of Environment?

Mr Virahsawmy: Mr Speaker, Sir, there has never been any problem of communication. In fact, the National Authorities grouped the National Coast Guard, the SMF, the Port Authorities, the Ministry of Environment and the Ministry of Fisheries. All have been working together and there has been proper coordination with regard to operations at Angel I. The work has been done satisfactorily, I must say, and all the different national authorities had a Headquarter at Poudre d'Or.

Mr Obeegadoo: Again, on part (a), I am referring to the Angel I incident. Being given that one of the reasons for the delay was that it was left to the ship owners to contract their own experts, will the Minister consider the possibility that, henceforth, the Ministry itself, national authorities can move fast to bring in appropriate experts rather than depending on the ship owners?

Mr Virahsawmy: No, because this is being dealt with by the insurance company. It is the insurance company which brings the salvage company to do the operations. The Ministry together with all national authorities had supervised and had made sure that all the equipment were brought in time, but there were requirements for certain sophisticated equipment to be brought in by special boats.

Mr Bhagwan: Can the Minister inform the House whether Mauritius is benefiting from assistance from the World Bank concerning the fight against oil spill through the Indian Ocean Commission and whether there is a share of financing for Rodrigues Island and even for our small islands falling under our responsibility?

Mr Virahsawmy: Rodrigues forms part of Mauritius and whatever plan we have for Mauritius we will also include Rodrigues.

Mr François: Mr Speaker, Sir, the National Coast Guard is monitoring an automatic radar system at Malartic, Rodrigues. May I ask the hon. Minister whether his Ministry received the reports of tankers, cargos or whatever with potential environmental dangers which use the territorial waters around Rodrigues?

Mr Virahsawmy: These are being sent to the National Coastguard who then analysed it, and whenever necessary they send a report to the Ministry.

Mr Obeegadoo: Again on part (c) of the question referring to tracking down of polluters, in the case of the Angel I accident, may I know whether an inquiry under the Merchant Shipping Act was initiated?

Mr Virahsawmy: I think the hon. Member has to address this question to the Ministry of Shipping.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.33 p.m. with Mr Speaker in the Chair.

ANNOUNCEMENT

INDEPENDENT COMMISSION AGAINST CORRUPTION & PUBLIC ACCOUNTS COMMITTEE – MEMBERS

Mr Speaker: Hon. Members, before we resume with questions, I have an announcement to make in regard to the membership of the Parliamentary Committee on the Independent Commission Against Corruption and the Public Accounts Committee.

The hon. Sayed-Hossen and the hon. Seetaram having been appointed Ministers have submitted their resignation as Members of the Parliamentary Committee on ICAC to Dr. the hon. Prime Minister. The hon. Prime Minister has

appointed Dr. the hon. Hookoom and the hon. Issack to serve as Members of the Committee in replacement of the outgoing Members.

I have further received a letter from the hon. Leader of the Opposition to the effect that the hon. Barbier, the hon. Bhagwan, the hon. Li Kwong Wing and the hon. Obeegadoo have submitted their resignation as Members of the Committee and that he does not intend, at least for the time being, to designate any Member from the Opposition to serve on the Committee.

As regards the Public Accounts Committee, following his appointment as Minister, the hon. Dayal has submitted his resignation as Member. The Committee of Selection will, in due course, meet for the replacement of the outgoing Member.

Thank you.

MASA – STAFF

(No. B/770) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to the Mauritius Society of Authors, he will, for the benefit of the House, obtain from the Board thereof, information as to the number of staff members employed thereat, indicating their respective –

- (a) grade, and
- (b) monthly salary drawn.

Mr Choonee: Mr Speaker, Sir, I am informed by the Mauritius Society of Authors that 36 persons are employed as follows –

- (i) 28 on permanent basis;
- (ii) 6 on a month to month basis, and
- (iii) 2 on a contract basis.

As regards their grades and monthly salary drawn, I am tabling the information before the House.

Mr Barbier: May I know from the hon. Minister whether he has been made aware of an over staffing at the level of the MASA? Has this been reported to him?

Mr Choonee: Yes, Mr Speaker, Sir, I am aware. At MASA, the Board appoints, it is not the Minister as we have no power there. However, I have been informed by the MASA and by some officers who are on the Board that we really have a problem of over staffing and we are reviewing it.

Mr Barbier: I would like to draw the attention of the Minister to the fact that there are eight members from the Government side on the Board, including the Chairman and one member who is nominated by the Minister himself and five other civil servants which makes a total of eight when we have only seven members who are elected from the artists' side. Has the president or the representative of the Ministry of Arts and Culture brought the matter to the level of the Board? Is the Minister aware of it? Has any action been taken? If not, will the Minister seize this opportunity to ask the Chairman and his representative on this committee to see to it that this situation is controlled?

Mr Choonee: Mr Speaker, Sir, the Act was revised in 1997 and ever since then, we have seven persons who were elected artists from different art forms and eight persons who are nominated by different Ministries because we have at least five or six different Ministries, including the PMO, the Ministry of Finance, the Ministry of Foreign Affairs, the Ministry of Information and Communication Technology and, of course, the Ministry of Arts and Culture. Actually, we are going to review the whole system in which MASA functions through the amendment of the Copyright Act that we will be bringing soon.

Mr Bérenger: The hon. Minister has given us a total figure of the number of employees as at now. Can I have the number that was employed there in 2005 and the yearly increase, especially in 2010?

Mr Choonee: I do not have the information right now, but I will do the needful to have the information for the Leader of the Opposition.

Mr Bérenger: My second question is: does the Minister have before him the percentage of total revenue that goes to the payment of the staff - payment and administrative purposes - because I understand that it is not normal at all that most of the money collected goes towards administrative and salary costs and not at all the international norm?

Mr Choonee: Yes, Mr Speaker, Sir, it is true that from whatever revenue that the MASA gets from foreign societies and from local companies, the maximum actually should have gone to the artists, but this is not the case, as I said earlier, we have an over staffing problem. Once we regularise as far as staffing is concerned, definitely we will find ways and means because we ultimately want the artists to benefit. But, as I said, the Board is independent, they take decisions and we are informed and I just bring in information to this House.

Mr Barbier: In connection with that, may I know from the Minister whether a copy of the financial statement for year 2010 has been handed over to him or not, and if not, why not?

Mr Choonee: Well, we do not have a copy of the financial statement for year 2010 from the MASA because there was a problem in revenue. Foreign companies that were supposed to give revenue to the artists have not done so because they have asked for more details on each and every artist, details on the song, on the time it is broadcast, it is played and so many other details were asked

that they could not compile all the facts. Once these are compiled and sent to the foreign companies, definitely we will have a balanced account from the MASA.

MASA – ROYALTIES – PAYMENT

(No. B/771) Mr J. C. Barbier (Second Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to the royalties, he will, for the benefit of the House, obtain from the Mauritius Society of Authors, information as to the total amount thereof, over the past five years –

- (a) remitted to foreign organisations, giving details thereof, and
- (b) received from foreign organisations, giving details thereof.

Mr Choonee: Mr Speaker, Sir, I am informed by the MASA that a total amount of Rs7,891,145.41 was remitted to foreign organisations for the period 2006 to 2010 and Rs7,796,020.25 were received from foreign organisations during the period 2006 to 2010.

Mr Speaker, Sir, with your permission, I am tabling the details which have been provided to me by MASA before the National Assembly.

MONTAGNE BLANCHE - UNIVERSITY CAMPUS - CONSTRUCTION

(No. B/772) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the project for the construction of a university campus at Montagne Blanche, he will state –

- (a) if a prior assessment of the demand for university places was carried out, and

- (b) the name of the university that will be accommodated thereat, indicating the –
- (i) fields of study that will be offered, and
 - (ii) number of students expected to be accommodated thereat.

Dr. Jeetah: Mr Speaker Sir, the reply is as follows -

The construction of a University campus at Montagne Blanche and in other parts of the country is based on several assessments of demand for tertiary education including the following -

- (i) the National Human Resource Development Plan 2010 which indicated that an increase of 5% to 20% in the number of graduates was required across the various sectors of the economy;
- (ii) the Education and Human Resources Strategy Plan 2008-2020 wherein the demand for higher education is projected to increase from 41% in 2008 to 72% in 2015;
- (iii) projections from Tertiary Education Commission indicating the number of graduates required to reach a Gross Tertiary Enrolment Rate of 72% by 2015. The total enrolment in tertiary education is 44,334 in 2010 (equivalent to 45% GTER). For this to reach the 72% target in 2015, there is need to create some 33,000 additional university places;
- (iv) the fact that for the last two decades the demand for seats at University of Mauritius has always exceeded the number of seats available. Since 2005-2006 to date only 50% to 60% of qualified applicants have been able to obtain a seat at the University of Mauritius. Furthermore, according to statistics, the percentage of HSC

students pursuing tertiary education showed an increasing trend from 56% in the 2003-2004 - when my hon. friend was Minister - cohort to reach 95% in the 2010-2011 cohort.

Mr Speaker Sir, the internationalisation of tertiary education requires us to provide more space for the region. It may be noted that our market lies on the main continent Africa, which comprises of a population of above 700 million and where the GTER is only about 6% compared to 70% in developed countries. (UNESCO Statistics)

Recently, I visited Kenya and Tanzania and have been convinced of the demand for Mauritian tertiary education by students from those two countries the more so as these two countries cannot satisfy their local demand.

Moreover, it is expected that the number of students satisfying entry requirements to pursue tertiary education will increase steadily with the following measures being introduced by my Ministry to increase access to tertiary education

-

- (a) Foundation Programmes;
- (b) Recognition of Prior Learning, and
- (c) Admission of mature students.

The decision to construct University campuses at Montagne Blanche and other sites of the country is motivated not only by demand for university places in Mauritius, but is also based on the policy of this Government to make Mauritius a preferred destination for Tertiary Education in the region. This is in line with the Government Programme to have one graduate per family and to make Mauritius a Knowledge Hub. Thus it is proposed to have university campuses in the following localities -

- (a) Pamplémousses;
- (b) Curepipe (ex MBC premises);
- (c) Piton;
- (d) Rose Belle;
- (e) Bel Air;
- (f) Camp Le Vieux, and
- (g) Montagne Malgache in Rodrigues.

The following overseas institutions have expressed the wish to set up locally

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- (1) Shobit University (India);
- (2) Buckingham University (UK);
- (3) Gulf Medical College (United Arab Emirates);
- (4) JIS Group (India);
- (5) DMI St Joseph Group of Institutions (Tanzania/India), and
- (6) Graduate School of Business Administration (India).

In addition, my Ministry is looking into the possibility of setting up an IIT-like Institution with the collaboration of India at the Faculty of Engineering of University of Mauritius.

With regard to part (b) of the question, it is likely that both the UoM and UTM will offer an extension of their services at Montagne Blanche, in view of the shortage of space to cater for the increasing number of students seeking admission and the fact that they are actually renting space in dispersed locations.

With regard to part b (i) of the question, it is expected that in addition to the current fields of study being offered at existing institutions, priority will be given to the promotion of Biotechnology, Nanotechnology, Architecture, Aeronautical Engineering and Training of Pilots, Marine Engineering and Training of Pilots Health Sciences, Tourism, Sustainable Development and Renewable Energy among others.

With regard to part (b) (ii) of the question, the total number of students expected to be accommodated thereat will depend on the number of institutions setting up on the campus. The University building to be set up by Government will be around 5,000 m² and it is expected that it will cater between 2,500 to 3,000 students on different modes of study. I wish to point out that the remaining area will be master planned to facilitate the setting up of public and private institutions wishing to offer their services locally.

Mr Obeegadoo: Mr Speaker, Sir, I have a few supplementaries.

Mr Speaker: The hon. Member should start one by one.

Mr Obeegadoo: Certainly! I have a few and I wanted to give notice. This was mere politeness, Sir.

Mr Speaker: I will allow the hon. Member the first two and give the chance to others; then he can come back.

Mr Obeegadoo: If I may take the hon. Minister from the realm of rhetoric back to reality, could he please explain to us the very concept? Are these university campuses meant to be like industrial estate that is, sites, services and buildings and then a free-for-all to come? Is he providing for distinct institutions, each with its own buildings and facilities or will it be just 5,000 m² of building to be rented out to whoever comes along?

Dr. Jeetah: First of all, Mr Speaker, Sir, this is not rhetoric. Consultants are working on a plan to build the first site at Montagne Blanche. It is going to be a tower of about 12 storeys – I speak from memory - and this is going to cater, as I said, for about 2,500 to 3,000 students. It is going to be a building of 5,000 m². It is going to be on the same model as other countries where they have created space for intelligent buildings and for buildings where you would have people who would be involved in tertiary education, research, science and technology. This is going to be an iconic building, to begin with, and we have been able to procure 50 acres of land from the 1,000 acre scheme that the hon. Prime Minister negotiated. This is one site where Government is going to put the first infrastructure and then we are going to facilitate private or public sector to come and start their institutions there. It is not going to be too different from what has happened in Dubai.

Mr Obeegadoo: Mr Speaker, Sir, I understand that we are engaged in a process of foundation stone laying; four in Mauritius and one Rodrigues. May I know whether the call for tenders for anyone of those campuses have been issued and what is the time frame and when is the first one supposed to be in operation?

Mr Speaker: Can I remember the hon. Member that this is a question which relates to the university campus at Montagne Blanche. Therefore, he cannot put general questions on the general policy of Government.

(Interruptions)

I agree that the hon. Minister explained his philosophy behind it, but this question is related to Montagne Blanche. If the hon. Member wants ...

(Interruptions)

Mr Speaker: I am sorry. The hon. Minister has explained, and he cannot start putting questions on general policy. The hon. Member should come with specific questions.

(Interruptions)

Mr Obeegadoo: I take it that supplementaries cannot be premised on the answer provided by the hon. Minister.

Mr Speaker: I have told the hon. Member that some latitude must be given to the hon. Minister to explain his policy before he comes to the issue. If the hon. Member has questions on the answers, he can put, but he is talking about Rodrigues.

(Interruptions)

I don't know whether he pretends to be an expert, but I gave him some latitude. This is according to Erskine May.

(Interruptions)

Mr Obeegadoo: I hope that I will eventually get an answer to my question. May I know whether any call for tender has been issued, the time frame and when this campus in Montagne Blanche is meant to be operational?

Dr. Jeetah: Yes, as I said, Mr Speaker, Sir, there is a consultant currently working on a Master Plan. The tender was called may be two years ago and it is SLDC which is the Project Manager. It has already given the contract to a consultant by the name of Lux Consult and the work has started. We have taken cognizance of their first initial plans and the works have already started.

With regard to construction, it should start mid-next year and it should take just over a year to be finished.

With regard to Camp Levieux, this is an existing institution: *l'Institut Supérieur de Technologie* that is being converted into a university.

Mr Bhagwan: Mr Speaker, Sir, I am coming to the Montagne Blanche campus. Can the hon. Minister inform the House whether there was *a pose de la première pierre*, which was more of a political rally, and how much has been spent for that event?

Dr. Jeetah: I think the hon. Member is making some politics out of it. I can understand his feeling.

(Interruptions)

Mr Speaker: There is a question which has been asked, the Minister should respond to the question.

Dr. Jeetah: No, Sir.

(Interruptions)

Mr Speaker: Hon. Bhagwan, order! Order, please.

Mr Obeegadoo: Mr Speaker, Sir, the question referred to prior assessment of demand. Can the hon. Minister tell us factually, for the last year 2010, how many students came out of secondary education with HSC or A Levels, entitling them to go on to higher education and how many of those are actually registered whether in Mauritius or abroad in post secondary education?

Dr. Jeetah: With pleasure, Mr Speaker, Sir. I have got the data as far back as year 2000. From my understanding, when my learned friend was Minister, the percentage of HSC passes pursuing tertiary education, for example, in 2002 and 2003, stood at 50 %. In the year 2010 and 2011, it came up to 95 % and the exact figure is 7664.

Mr Obeegadoo: I would have thought the hon. Minister could understand the question. Let me repeat. This is about demand. You need excess demand to go and use public funds to open up university campuses everywhere. My question is very simple, let us take any year, 2010 or 2009 if you want. Tell us how many students come out of secondary schooling with the qualifications to embark upon post secondary training and how many already are enrolled in post secondary education whether locally in private or public institutions or abroad?

Dr. Jeetah: My answer cannot be clearer than this. I have given the answer that in the year 2010-2011 the percentage of HSC passes pursuing tertiary education is 95%.

(Interruptions)

Mr Speaker: Order, order! The question is how many of those who have passed the HSC asked for admission in tertiary education.

Dr. Jeetah: Mr Speaker, Sir, we have, as I said, a total of 7664 students who passed the HSC and out of this 7248 are following tertiary courses.

(Interruptions)

Mr Obeegadoo: So, we will have five University campuses for 600 students potentially. I have heard the hon. Minister mentioning a host of institutions, most of which I have never heard of before, which have expressed the intention of eventually setting up in Mauritius. May we know, in view of this policy of free-for-all, what sort of quality assurance mechanism is in place, the more so, as far as I am aware, the Tertiary Education Commission has only once carried out an independent audit of the University of Mauritius?

Dr. Jeetah: The responsibility falls under the Tertiary Education Commission. They have a framework, but I would like to add - I did reply earlier

on - that we did say that there has been a projection that we need an enrolment rate of 72% and this already makes for 33, 000 additional seats that would be required and I have already answered to this; he is pretending not to have heard it. Mr Speaker, Sir, the Tertiary Education Commission has responsibility to look at the frameworks, the structures that exist to provide quality education and the proof of the pudding is our students when they finish they are well accepted in any university overseas.

Mr Obeegadoo: Tell us over the last six years how many quality audits have been undertaken in the higher education sector?

Dr. Jeetah: I can give the answer if I get a substantive question; I know that this is done regularly, Mr Speaker, Sir.

Mr Jugnauth: The hon. Minister has just mentioned a figure with regard to the question that was asked by hon. Obeegadoo which is contradictory because the demand for university seats does not seem to support what the hon. Minister is saying. The basic question would be: has the Ministry done any feasibility study, or any study whatever, to support the investment that the Government is making at Montagne Blanche?

Dr. Jeetah: Mr Speaker, Sir, I will have to start reading my answer again. I have given a number of studies that have been done that show that there is a demand for tertiary education. So, will I have to read this again?

Mr Jugnauth: Would the hon. Minister be prepared to lay a copy of that feasibility study in the House?

Dr. Jeetah: Mr Speaker, Sir, I have got all these documents here.

(Interruptions)

Mr Speaker: Order! Order!

Mrs Hanoomanjee: Mr Speaker, Sir, with regard specifically to the University Campus at Montagne Blanche where I understand the first stone has already been laid, can I ask the hon. Minister whether, in fact, the name of the university that would be accommodated there has not been identified yet and the fields of study that will be offered have not been identified?

(Interruptions)

Mr Speaker: Order, order. Hon. Mohamed, hon. Lesjongard! Next time, I would have to take decision. I have said order in the House. The hon. Member is putting a question and nobody is interested to listen to her.

Mrs Hanoomanjee: Mr Speaker, Sir, thank you. With regard to the University Campus at Montagne Blanche, where the first stone has already been laid, can I ...

(Interruptions)

Mr Speaker: Hon. Lesjongard, I am making an appeal to you please. The incident is over; do you want me to suspend the House?

(Interruptions)

Order, please and I am asking all of you to keep quiet. Carry on! You are losing time of the House unnecessarily.

Mrs Hanoomanjee: Mr Speaker, Sir, with specific regard to the University Campus at Montagne Blanche, can I ...

(Interruptions)

Mr Speaker: Hon. Mohamed, please, look in front of you, look at me!

Mrs Hanoomanjee: Can I ask the hon. Minister, in spite of the fact that the first stone has already been laid, whether the name of the university that will be

accommodated or affiliated has not yet been identified and even the fields of study that will be offered have not been identified yet? *Est-ce que ce n'est pas mettre la charrue devant les bœufs ?*

Dr. Jeetah: Mr Speaker, Sir, I have already answered. Would you like me to repeat what I have said? I have already answered.

Mr Speaker: No. If the Minister has answered, it's alright.

Mr Jugnauth: Can the hon. Minister say how much money has been earmarked for this project?

Dr. Jeetah: Coming from a previous Minister of Finance, yes, Mr Speaker, Sir, for this year there is a sum of Rs72 m. from the HR CAD fund out of a total of Rs810 m.

Mr Jugnauth: With regard to using public funds in that way, can the hon. Minister assure the House that, eventually, those private institutions that are going to come and set up a campus or whatever here, he has made sure that the criteria for the structure that have been set are going to respond to the demand for those private institutions?

Dr. Jeetah: I suspect, Mr Speaker, Sir, that they have to abide by the laws of the land; this goes without saying.

CANCER - PREVALENCE

(No. B/773) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to cancer, he will state the number of reported cases thereof over the past 20 years, on a yearly basis, indicating any identified trends thereof and if relevant analyses reveal any pattern as to the prevalence of specific cancers and, if so, indicate if

there has been a review of the measures taken for the prevention and diagnosis thereof and the provision of curative services.

Mr Bundhoo: I wish to thank the hon. Member for his concern regarding cancer which is indeed a major public health problem in Mauritius. However, as the number of reported cases of various cancer types over the past 20 years constitutes an extensive database, Mr Speaker, Sir, with your permission I am tabling this information, with the graphical illustrations of the trends of the commonest cancers.

I wish to inform the House that the number of new reported cases of cancer for the last 20 years is as follows - in fact, the calculation is done on a five years' basis -

Five year-intervals	Total number of cancer cases for both sexes	Rate of Increase with respect preceding interval
1991-1995	4818	-
1996-2000	6220	29%
2001-2005	6871	10%
2006-2010	7698	12%

Mr Speaker, Sir, the following trends have been noted over the past 20 years -

- Overall, for all types of cancers registered between 1991 and 2010, the total number of new reported cases has risen by 60 %.
- This represents an increase of 58% in men and 61% in women respectively.

The trends for each gender are as follows, for the last 20 years -

As regards to female -

- the incidence for cervical cancer has decreased by 50%;
- the incidence for female breast cancer has increased by 66%;
- the incidence for colorectal cancer has increased by 37%;

As regards males -

- the incidence for lung cancer has decreased by 9%;
- the incidence for prostate cancer has increased by 73%;
- the incidence for colorectal cancer has increased by 75%;

The increasing trends for the abovementioned cancers are in keeping with those seen internationally. However, there is a brighter side to it in spite of the increasing trends for some types of cancer; our data indicate very much improved survival due to early detection and management, that is, the mortality rate is decreasing.

Mr Speaker, Sir, according to a report published by WHO, World Health Organisation, on 01 April 2008, new cases of cancer are expected to rise by about 45% between 2007 and 2030 and the key risk factors for cancer, in addition to an ageing population, are -

- (i) tobacco use;
- (ii) obesity and diet
- (iii) harmful use of alcohol;
- (iv) lack of physical activity;
- (v) sexually transmitted human papilloma virus (HPV) infection, and

(vi) occupational carcinogens.

Experts consider that there is a lag time of some 20 to 30 years between exposure to the risk factors and the development of cancers. Therefore, the present situation regarding the increased incidence of cancer worldwide is the result of unhealthy lifestyles of the populations over the last decades.

Mr Speaker, Sir, I wish to point out that for the first time in 2006, a workshop was organised with the support of international and local experts for the planning and development of a National Cancer Control Programme. Subsequently an Action Plan is being implemented for the year 2010 to 2014 and the following measures for diagnosis, treatment and prevention of cancers have been put in place -

Diagnosis –

- Appropriate training has been provided to all staff dealing with cancer so that they are familiar with latest techniques of diagnosis. For instance, in 2010 the national laboratory staff has been trained in new cytoscreening techniques abroad.
- In 2011 a workshop was held for surgeons regarding new breast surgical technique.
- A new gamma camera has been installed at the Nuclear Medicine Department at the Jawaharlal Nehru Hospital in 2010 for accurate diagnosis of cancer.

With regard to treatment -

- A new state of the art Children's Cancer Ward has been opened in Victoria Hospital in 2010.

- A new Colposcopy Unit has been set up at Victoria Hospital this year.
- New chemotherapy drugs have been made available for use in the Radiotherapy Department at Victoria Hospital as from this year.
- A new Colonoscopy Unit has been set up at the SSRN Hospital in 2010.

With regard to prevention, as asked by the question -

- A new legislation on tobacco use and the National Action Plan for Tobacco Control are being implemented. It is to be noted that Mauritius is the first African country to have introduced graphic warnings on tobacco packages. Tobacco Cessation clinics are soon to be set up in all health regions.
- Intensive campaigns are being conducted through the media to educate the population about a healthier lifestyle, including healthy nutrition and regular physical activities.
- Legislation banning the sale of soft drinks and unhealthy snacks in school canteens have also been promulgated. Furthermore, the amount of industrially produced trans fats in foods will soon be legislated. Recommendations of the Action Plan on Nutrition and Physical Activity are being implemented.
- There is an ongoing community-based programme, through the mobile clinics, for health promotion, health education and screening of the population. For the period September 2008 to September 2011, some 278,000 people have been reached in

addition to some 96,500 students. Yoga, aerobic and physical activity classes are being conducted in 9 fully equipped Health Clubs and in 65 other localities.

- Cancer awareness campaigns are being strengthened and scaled up.

In addition to the above, the new Clinical Trial Act 2011 sets out the legal framework for research in Mauritius and that includes cancer research and trial of new medications for cancer.

Mr Speaker, Sir, I would like to seize this opportunity to inform the House that only last Tuesday, Mauritius had the privilege to host the 33rd Annual Conference of the International Association of Cancer Registries where the hon. Prime Minister was the Chief Guest.

At this Conference, international experts on cancer have had the opportunity to review with their local counterparts about the cancer situation in Mauritius and measures being taken. They have made a number of recommendations which will be examined and considered for implementation.

(Interruptions)

Mr Obeegadoo: I don't quite know what the clapping was for! Was it for the delivery or for the three weeks in post? Mr Speaker, Sir, if the hon. Minister has confirmed that now cancer has acquired epidemic proportions, not only in Mauritius, but in the whole wide world and there has been a dramatic increase in certain forms of cancer in Mauritius, is the hon. Minister aware that resources to combat the scourge in the public sector seem to be noticeably lacking? Will the hon. Minister confirm that at the present time we have, for instance, only one Medical Oncologist within the Public Service? Will the hon. Minister confirm that, for instance, in terms of combating breast cancer we have only nine apparatus

for mammography? Will the hon. Minister confirm that we have only one unit for nuclear medicine and one linear accelerator and if that is the case, what urgent measures does the hon. Minister propose to take so that we may arise to the challenge?

Mr Bundhoo: Mr Speaker, Sir, I wish to thank the hon. Member. In fact, cancer is very much above party politics. I have to say that the hon. Prime Minister personally pays much attention to that. Within our budget, all actions are being taken to increase first, prevention and, second, give maximum service and attention to those who are already affected by cancer. On top of that, we have given priority to enhance services in all our hospitals in order to give the best possible treatment to all our patients.

Mr Obeegadoo: One question, which is very simple and direct. Let me take one example. Will the hon. Minister confirm that there is only one medical Oncologist in the public service and, if not, how many there are. Because these are the figures that came out of the recent conference. Does the Ministry propose to recruit an adequate number as a matter of urgency?

Mr Bundhoo: Mr Speaker, Sir, I am not in a position to confirm, but I would seek the information and lay it on the Table of the Assembly as soon as possible.

Mr Bérenger: Can I ask the hon. Minister whether he has information about how many people with cancer had to be operated outside Mauritius last year, in 2010, and whether he knows how many cases are pending, that is, people who have to be operated overseas and who, for financial reasons, cannot yet do so?

Mr Bundhoo: Mr Speaker, Sir, I do not have the figures with me, but I can assure the hon. Leader of the Opposition that we have given firm instructions that

priority be given to all people who are having cancer diagnosed at an early stage for overseas treatment, and it is being considered as a matter of urgency.

Dr. S. Boolell: Mr Speaker, Sir, may I ask the hon. Minister whether he would consider the decentralisation of cancer services to patients across the country, rather than the actual centralisation in a substandard unit, with a plan already made up a few years ago, which has not been implemented, and where patients, on the basis of this last conference, were moved to a fancy ward to impress the visitors?

Mr Bundhoo: Can I assure the House, Mr Speaker, Sir, that we are setting up new infrastructure at the Flacq Hospital, precisely to address the issue that the hon. Member has raised? We are at the moment - thanks to all previous Ministers of Health; it is not a matter of first, second, third or whatever it is - trying to dedicate one specific space for mammography and for other treatments at the Sir Seewoosagur Ramgoolam Hospital in the north.

Mr Bodha: Mr Speaker, Sir, can the hon. Minister confirm that the propagation of the disease is more rapid in urban areas rather than in rural areas? The second question is whether there has been a study on the incidence of food habits on the propagation of cancer.

Mr Bundhoo: I have checked this, and I think it is evenly distributed with regard to rural and urban areas. With regard to food habits, what has been pointed out by the expert at the international conference is that lifestyle and food habits are probably two of the major causes of cancer. There is no definite empirical evidence to say that this is due to food habits, but it points in this direction.

Mr Bhagwan: I would like to ask the hon. Minister how many consultants in palliative care the Ministry has actually on its establishment, and whether they

are all based at SSR Hospital, Victoria Hospital and even in the South. If there is no such specialist in Mauritius, I would like to know whether Government is taking action, at least, to recruit from overseas to cater for our local patients.

Mr Bundhoo: I have already replied to this question. I have explained to hon. Obeegadoo that I am going to search for the information and lay it on the Table of the Assembly. Should there be any lack, we are going to do the needful in order to recruit from overseas, subject to availability of doctors within this specific speciality, even outside.

Ms Deerpalsing: Mr Speaker, Sir, may I ask the hon. Minister whether, when patients are diagnosed, the Ministry has counselling accompaniment? Because a lot of problems is about the psychological accompaniment.

Mr Bundhoo: Definitely, this is the case.

Mrs Hanoomanjee: Mr Speaker, Sir, the hon. Minister has mentioned about the extension of provision of curative services. But I think he has not given enough precision. Can the hon. Minister say whether he proposes to decentralise chemotherapy services, as had already been decided, or does he also propose to decentralise RT services?

Mr Bundhoo: This is precisely what I said; we are doing it at the moment. We are preparing a specific area at the SSRN Hospital to do exactly this. I just said that earlier.

Mrs Labelle: Mr Speaker, Sir, I have not heard the hon. Minister talk about the vaccine against cervical cancer. A study was to be carried out to find out whether the viruses which cause cervical cancer are present in Mauritius. The House was informed about that. I would like to ask the hon. Minister whether such a study has been carried out, as well as a study to show whether there is a

correlation between the high level of pesticides in our food and the increasing trend of cancer.

Mr Bundhoo: I must tell the hon. Member that, in fact, I have personally put this question to one of the experts from Sri Lanka who is attached to the French Government. To my surprise, he has informed me that there is no empirical evidence firmly established between the use of pesticide, herbicide or whatever it is and the incidence of cancer. They are doing the same study in Sri Lanka and India. We have requested our people from the Ministry to find out and to see whether there is any correlation, and still we are not in a position to confirm that this is the case.

Mr Ganoo: The hon. Minister has given the figures of the specific case of breast cancer, which has been on the rise in Mauritius, and which is the case for several other countries. According to the experts, this is the form of cancer that can be cured if detected at an early stage. Can the hon. Minister tell us whether he is satisfied of the prevention and detection campaign which is on in this country, and whether we should not intensify it to, in fact, detect more breast cancer cases and cure those patients?

Mr Bundhoo: Mr Speaker, Sir, no Minister of Health or no Government is ever satisfied with the health service, because prevention, prevention and prevention is the key to it. It is the responsibility of all governments and all politicians to sensitise as much as possible everybody, especially women, with regard to cervical and breast cancer, that once it is detected at an early stage, the chances of cure exist, and this is the only possibility forward. My Ministry will continue to do everything possible to put the heat, as the saying goes, on sensitisation and prevention.

Mrs Ribot: Mr Speaker, Sir, I would like to ask the hon. Minister whether, with regard to bone cancer, he can confirm that there is at the moment no apparatus to measure bone density in the public service.

Mr Bundhoo: I would need notice of this question, Mr Speaker, Sir.

Mr Li Kwong Wing: Mr Speaker, Sir, I heard the hon. Minister mentioning the inauguration of a new centre at Candos. Is the hon. Minister aware that, at Candos Hospital, the Radiotherapy Centre which has just been renovated by his predecessor and which is a new centre, there are three old generation radio therapy machines which are currently breaking down regularly, causing very stressful and undue rescheduling of appointments? Does the hon. Minister envisage taking urgent actions for the maintenance of the machines and, as funds have already been provided, to buy new machines? Does he consider expediting procedures for launching tenders for the new machines?

Mr Bundhoo: Mr Speaker, Sir, I have already discussed this matter with the hon. Member before. As I said earlier, we are doing everything possible to ensure that, during this period of difficulty for any patient suffering from cancer, the Government will provide maximum support and facilities. With regard to the new centre in Candos, I do not recollect to have said that. But, with regard to the machines that have several breakdowns, after the hon. Member spoke to me a couple of weeks ago, we are taking corrective measures.

Mrs Dookun-Luchoomun: Mr Speaker, Sir, may I ask the hon. Minister, considering the increasing trend in the cases of cancer in Mauritius, whether he intends to carry out a study to find out whether there is no relationship between the genetic make-up of the population and the recent increase in cancer cases, because there is a link between the genetic make-up of individuals and the family history of

the individuals suffering from cancer? Does he intend to carry out a study to find out whether this link is present in Mauritius or not?

Mr Bundhoo: I must thank the hon. Member for this question. In fact, I put the questions myself when I was attending the International Conference. To my biggest surprise, some of the patients in North America and Canada suffer from cancer from a different nature; in India of a different nature and some of the countries are having throat cancer. When my predecessor was in Geneva and the Ministry, they made a request for the World Health Organisation to send us an expert in cancer to conduct a study on behalf of the Government of Mauritius, not precisely with regard to genetic, but with regard to cancer.

Mr Obeegadoo: Again, Mr Speaker, Sir, to go from rhetoric to reality and to specific points: cervical cancer. In the developed countries vaccines are now available for free to all adolescent girls irrespective of economic need. That vaccine is very expensive in Mauritius. Will the hon. Minister undertake to urgently look into the possibility for providing such free vaccines even if we have to target the families, the categories within our population that cannot afford?

Secondly, breast cancer.....

Mr Speaker: No, one by one.

Mr Bundhoo: I must again thank the hon. Member because this is precisely what the Prime Minister of Mauritius, hon. Dr. Ramgoolam, intends to do.

(Interruptions)

Can I finish please?

(Interruptions)

Mr Speaker: Order!

Mr Bundhoo: This is precisely what he asked us to do when he was addressing the International Conference on Cancer. He asked me to see what are the possibilities? How safe the vaccines are with regard to cervical cancer, to conduct a study and the cost thereof? How safe it is and how proper it is to do it on a massive scale, especially with regard to 11-year old girls?

Mr Obeegadoo: A last point, Mr Speaker, Sir, breast cancer, the number of women with breast cancer has doubled within 10 years. Now, surely nine machines for mammography are not adequate. Will the hon. Minister undertake to urgently take steps to provide the adequate resources to the public service?

Mr Bundhoo: I have already replied to this question; it was the same question put by hon. Li Kwong Wing.

Mr Speaker: Last question from hon. Mrs Ribot!

Mrs Ribot: Mr Speaker, Sir, I would like to ask the hon. Minister since the rate of cancer keeps going up, whether he is considering having more and more psychologists to support those patients from cancer?

Mr Bundhoo: Mr Speaker, Sir, this is part of the Action Plan.

FLORÉAL DISPENSARY/COMMUNITY HEALTH CENTRE - BUILDING

(No. B/774) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Health and Quality of Life whether, in regard to the proposed rental of a building to house the Floréal Dispensary-Community Health Centre, he will state where matters stand.

Mr Bundhoo: Mr Speaker, Sir, I have to inform the House that tenders were invited through open advertising bidding method on 07 June 2011. The closing date was 20 July 2011 and only one bid was received. However, the building was

found not to be in conformity with the requirements as well as the building specified in the tender documents.

Fresh tenders have been launched and I have also requested that the tendering exercise be publicised as widely as possible because it is a second tendering exercise.

Mrs Labelle: Mr Speaker, Sir, may I know from the hon. Minister when the second tender has been launched?

Mr Bundhoo: Yes, it has been launched, but I don't have the information at hand. I have been assured that it has been launched.

Ms Anquetil: Mr Speaker Sir, we understand that a second tendering exercise is being carried out for the renting of a building to accommodate the Floreal Health Centre. *Tout en respectant les procédures, est-ce que le ministre pourrait considérer la reconstruction de la Mediclinic dans les meilleurs délais ?*

Mr Bundhoo: This is one of the options. In fact, this should have been the first option, but I can understand the fact that the building was declared inappropriate at this present stage, that is why we have to move out of it. I have made representations with the Ministry concerned to have additional funds subject to availability to start the construction of a new Area Health Centre but, in any case, pending that, we will go forward for the renting of a building which satisfies all the criteria in order to provide the service to the inhabitants of this locality.

Mr Jugnauth: Can the hon. Minister say whether the specification for the second tender is in any way different from the specification of the first tender?

Mr Bundhoo: I can assure the hon. Member, it is more or less the same. I have put the same question, but the only difference is that I have now made a request.

(Interruptions)

I have made a request that the bid exercise be publicised as widely as possible to make sure that at least we have a couple of people who have the appropriate buildings to show their interest.

Mr Bodha: Mr Speaker, Sir, in view of the undue hardship caused to the people, can the Minister review the arrangements as regards to the services which have been provided in the meantime?

Mr Bundhoo: I have also looked at it, but I must say that because of the other Area Health Centers within the vicinity, it is not possible to go through a complete review of what the colleague of the hon. Member has done before.

ARTIST WELFARE FUND – SETTING UP

(No. B/775) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Arts and Culture whether, in regard to the setting up of an Artist Welfare Fund, he will state where matters stand.

Mr Choonee: Mr Speaker, Sir, a draft legislation for the setting up of an Artist Welfare Fund has been worked out. In view of various implications, consultations with relevant stakeholders including artists, performers, writers, cultural entrepreneurs, Events Organisers, etc. will be held before its finalisation.

Ms Anquetil: M. le président, tout le monde consomme de la culture et nos artistes de par leurs talents diversifiés mettent de la couleur dans nos vies. Dans le *draft document*, est-ce que le ministre pourrait indiquer à la Chambre s'il prévoit d'aider les artistes d'abord au niveau de la création, de la production, de la diffusion et aussi s'il envisage d'octroyer des bourses aux artistes comme cela se fait au niveau des sportifs ?

Mr Choonee: Mr Speaker, Sir, that's a bright idea having a scholarship for artists, but as far as the Ministry Arts and Culture is concerned, we have not considered the option of scholarships to artists yet. What we do exactly, we give them grants, different grants for participation in international festivals. I have at least three international grants: the international travel grant, the international collaboration grant and the marketing development grant which come to a maximum amount of Rs300,000. Some hundred artists have already benefited from those grants.

Further, we have with the collaboration of friendly countries under cultural exchange programmes allowed artists to go for training. They participate in workshops and training for about few weeks to get the interaction with other artists and improve on what all they do. And, definitely, in the new Welfare Fund that we are going to introduce, we will consider giving them all the options for their comfort and benefit.

SCHOOLS - SPORTS FACILITIES - LOCAL COMMUNITY

(No. B/776) Ms S. Anquetil (Fourth Member for Vacoas & Floreal) asked the Minister of Education and Human Resources whether, in regard to the sports facilities available in the schools, he will state if consideration will be given for same to be put at the disposal of the local community, after school hours.

Dr. Bunwaree: Mr Speaker, Sir, at the very outset, I wish to inform the House that my Ministry has already a policy to optimise the use of school infrastructure, be it for sports activities or for other purposes, subject to , of course, certain established guidelines.

As regards the use of sports facilities in the schools, members of the local community may have access to such facilities upon request and against payment of

a nominal fee and subject to certain conditions. These facilities mainly cover gymnasia, badminton courts and football grounds and can be availed of from 16 00 hrs to 21 00 hrs during weekdays and during weekends from 08 00 hrs to 21 00 hrs depending upon request.

Furthermore, I wish to add that my Ministry has signed MoUs with -

- (i) The Ministry of Youth and Sports for access to and utilisation of infrastructural facilities for physical education and sports activities in certain schools.
- (ii) The Ministry of Local Government and the Municipal Council of Port Louis for access and utilisation of playground in a primary school by inhabitants. Arrangements also exist with other Municipal Councils for use of premises of some schools.

Mr Speaker, Sir, the use of school premises is not limited to the use of sports facilities. My Ministry has been adopting a flexible policy with regard to the use of school infrastructure in respect of the following, upon requests -

- (i) educational seminars, conferences, talks;

Mr Speaker: No, I am sorry! The hon. Minister will have to stop there. The question is about sports facilities and not about other issues.

Dr. Bunwaree: I will circulate the fields in which this can be held.

Mr Speaker: The question is about sports facilities.

Dr. Bunwaree: I wish to add also that school infrastructure is used for other purposes, for IT also and 45,600 people have been...

Mr Speaker: I am sorry! The hon. Minister is persisting. I have said this is about sports facilities. The answer should be about sports facilities.

Dr. Bunwaree: But sports facilities also is being shown, education is going through sports facilities.

Mr Speaker: But that is not education, it is sports facilities.

Dr. Bunwaree: That is what I am saying and I am very thankful for that question. The question was raised by other Members before, just to inform the public that school infrastructure is being used by the community around for various activities.

Mr Speaker: One thing I have to inform the House is that there are so many other questions which have been put by hon. Members and it is their legitimate right that their question be called within the time prescribed for questions. So, if we take so much time to answer one question, then it is a disservice to the other Members of the House.

Mr Jugnauth: Can the hon. Minister circulate a list of schools and the fees that are requested with regard to different facilities constituency-wise so that Members are aware?

Dr. Bunwaree: For the fees, it is a deposit of Rs1,000 for the season of one year and each time it is used, it is Rs35 per hour.

Mr Obeegadoo: Mr Speaker, Sir, the fact that hon. Ms Anquetil, a backbencher of Government, has raised this question, confirms me in the belief that in practice this is not the case. Will the hon. Minister...

(Interruptions)

Mr Speaker: I am sorry! The hon. Member cannot put in doubt the words of the Minister.

Mr Obeegadoo: No, you have the words of the Minister.

Mr Speaker: I am sorry, I have given my ruling. The hon. Member is saying in practice this is not the same, that is, he is putting the Minister's words in question, in doubt.

Mr Obeegadoo: With all due respect, Mr Speaker, Sir, you have misconstrued the meaning of what I have said.

Mr Speaker: This is my ruling, that's all.

Mr Obeegadoo: I have a supplementary. I would wish to ask the Minister since this apparently is a long established policy, what he proposes to do to ensure that in actual fact, in reality, local communities are made aware of this and can benefit from the huge amounts of money spent on the schools?

Dr. Bunwaree: I mentioned it a few times in this very House. I thank the hon. Member because allows the public to know. Now, the request must come from the public and it is there.

Mrs Labelle: Mr Speaker, Sir, in July last the House was informed that a monthly fee of Rs100 is being asked for the use of football grounds and so on. But I think I have just heard the hon. Minister mentioning Rs1,000. Moreover, with your permission, Mr Speaker, Sir, we were also told that a fee of Rs10 per hour is paid for the services of a school caretaker and I think I have heard Rs35. May I know from the hon. Minister whether there has been such a substantive increase?

Dr. Bunwaree: M. le président, un match de foot dure trois heures. R 35 par heure, cela fait environ R 100 pour trois heures.

Mr Uteem: Mr Speaker, Sir, may I know from the hon. Minister what are the criteria used to allocate the sports facilities? Is it on a first come first served basis or priority is given to registered clubs?

Dr. Bunwaree: The application must go through the heads of schools to the Zone Director and then the work is done there.

Ms Anquetil: M. le président, est-ce que le ministre pourrait nous informer si ces services sont aussi applicables dans les collèges?

Dr. Bunwaree: Oui, primaire et secondaire.

Mrs Labelle: Mr Speaker, Sir, may I ask the hon. Minister whether he can review the way people apply for these services, because truly most of the members of the community do not have access to that? May we see to it that facilities are being offered so that they can really have access?

Dr. Bunwaree: I have no problem with that. In fact, I am inviting all the public.

Mr Jugnauth: I just heard the hon. Minister saying that this applies also to secondary schools. I can provide probably details or information that with regard to Quartier Militaire SSS, there have been requests by people in the surrounding, especially clubs where they have been denied access even against payment. So, I can liaise with the Minister to give him the information.

Dr. Bunwaree: This surprises me, but I will have to look into that. It goes against the policy of my Ministry.

CEB - EXPRESSIONS OF INTEREST

(No. B/777) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Central Electricity Board, he will, for the benefit of the House, obtain from the Board, information as to the number of expressions of interest launched by the Board, since 2010 to date, indicating –

- (a) in each case, the names of the bidders, and
- (b) if prior to the launching thereof, his Ministry had received proposals therefor.

The Deputy Prime Minister: Mr Speaker, Sir, I am informed by the CEB that two expressions of interest have been launched since 2010, namely for Solar Photovoltaic projects up to 10 MW capacity in March 2011 and electricity generation using Liquid Natural Gas (LNG) on BOO Scheme in August 2011 respectively. I am tabling copies of the two requests for expression of interest and the lists of applications received for both expressions of interest.

As regards part (b) of the question, prior to the launching of the expression of interest, my Ministry had received proposals from 3 promoters for Photovoltaic projects. I am tabling the list of proposals.

No proposals had been received for a LNG project at my Ministry.

Mr Lesjongard: Mr Speaker, Sir, can the hon. Deputy Prime Minister and Minister of Public Utilities confirm that in the long-term energy strategy of Government, LNG does not appear neither as a preferred option nor an option in the short, medium and long-term?

The Deputy Prime Minister: Mr Speaker, Sir, this study was conducted in a precise energy climate at the time. Since 2006 after my visit to Qatar, the Prime Minister had proposed that we look after LNG as an option. Today, it is becoming more and more obvious that it is an option we have to explore. I am not saying it will happen tomorrow, but we have to look into it and all the possibilities that LNG presents. It is a cleaner form of energy, it might be comparably cheaper, it might be more available and with time it might be one of the options.

Mr Bérenger: The question asked: if prior to the launching of the expressions of interest in the case of liquefied natural gas, his Ministry had received proposals thereof and I think I heard the Minister say no. Is it not a fact that he received foreign operators and they remitted documents, 50 MW and all the details?

The Deputy Prime Minister: No. Definitely and emphatically, no.

Mr Lesjongard: Mr Speaker, Sir, the Minister has stated that the CEB has launched requests for proposals, an expression of interest for a 100 MW LNG power plant. How does the hon. Minister reconcile the fact that in a report submitted to his Ministry by a power consultant, Mr Syed Hafeez Ahmed, he stated that with regard to liquefied natural gas, its procurement and development of the infrastructure such as storage regasification plant, etc, would not justify a 100 MW plant due to its lower size based on economy of scale and then the CEB launch an expression of interest of 100 MW?

The Deputy Prime Minister: Mr Speaker, Sir, this expression of interest was to sound the market and see if there was an interest and surprisingly there has been an interest. Now, the next step would be to launch a full feasibility study for storage and redistribution of LNG, of course, and then to launch a request for proposal. This is a very, very preliminary exercise, just to see if there is an interest in the market and there is.

Mr Jugnauth: Could the hon. Minister confirm that all the reports that Government has received, including the World Bank Report, does not, in fact, favour LNG with regard to costs? And if so, how come today I heard the hon. Minister making a plea towards LNG that it might be - of course, it is environmentally probably better - cheaper - I heard the hon. Minister saying cheaper. Would the hon. Minister confirm that and if so - maybe there is another

report that has just come to light – would he be able to table the report in favour of LNG?

The Deputy Prime Minister: Mr Speaker, Sir, I thought I had underlined that this is a proposal for the future. We are not doing it tomorrow, but we have to look at it, and hence I have given the background to this new development. It is not for tomorrow, I can assure the hon. Member. We have to look at transport, storage, handling, distribution of LNG to the proposed power plant and so on.

Mr Bérenger: I am very disturbed, I must say, because I have my information. I will table documents that were put in at the Ministry in favour of such a project. The hon. Deputy Prime Minister is saying that we are not in a hurry, it is not for tomorrow. Why this very unusual procedure? Especially after the World Bank has said ‘no’ to this through an expert. Why not do a prefeasibility study, a feasibility study and then study? Why call for expressions of interest and they are supposed to carry out a full feasibility study? They are supposed to do that. Now they want to know who is going to finance that - those who make the full feasibility study - and then they don’t get the tender. Who pays for that? Are they being reimbursed? All the questions are being raised. Why this very unusual business of asking those who have expressed interest to come at their expense with full feasibility study?

The Deputy Prime Minister: Mr Speaker, Sir, I say it again, this is a very preliminary early step to sound the market. Yes, the hon. Leader of the Opposition is right when they were asked to carry out their own feasibility study. Eighteen applications were received. We are now proceeding with a full feasibility study followed by the launch of an RFP with the assistance of EDF Reunion.

Mr Bérenger: Mr Speaker, Sir, is the hon. Deputy Prime Minister prepared to confirm that the second firm that came in with an expression of interest is the

same firm that visited the Ministry and that put in a document that I will table in due course, and they are the second to have come in with this expression of interest?

The Deputy Prime Minister: I am not even aware of what firm we are talking about, Mr Speaker, Sir. There are so many people coming and going to BOI, to the Ministry, to the CEB, to the Opposition and going everywhere. But I am interested in answering that question. There has been no one who has sent to my Ministry a proposal for 50 megawatts. It may have gone elsewhere.

Mr Lesjongard: Mr Speaker, Sir, I will refer to that report which clearly states that LNG can be considered as an option in the long-term - long-term means in the years to come. Then why launch an expression of interest now, Mr Speaker, Sir?

The Deputy Prime Minister: Mr Speaker, Sir, I thought I have replied. We have started looking at the long-term. If you don't start today, how are we going to get in the long term there?

(Interruptions)

Mr Speaker: Next question, hon. Li Kwong Wing! Order!

INDIRECT TAXES - AMOUNT

(No. B/778) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to indirect taxes, he will, for the years 2009, 2010 and 2011, respectively -

- (a) state the total amount and the percentage rate of Gross Domestic Product thereof compared to direct taxes, and

- (b) obtain from the Mauritius Revenue Authority, information as to the total amount of Value Added Tax, duty on petroleum products, duty on plastic products and tax on gambling collected, as at end of September 2011 compared to 2010, indicating the extent of the increases thereof and their impact on the inflation rate.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L Duval): Mr Speaker, Sir, I am tabling the information requested.

Mr Li Kwong Wing: Mr Speaker, Sir, will the hon. Minister confirm that the increase in the indirect taxes collected during the year is much more than the increase in wages due to the additional remuneration and if so, does it not constitute a reduction in the disposable income of the working class and, therefore, leading to greater economic injustice?

Mr Duval: Sir, I am tabling the information.

Mr Li Kwong Wing: Will the hon. Minister also inform the House whether he has seen a continuous increase in the share of indirect tax to the total tax revenue which creates a high dependency on indirect taxation? This, being a regressive system, creates also an inflationary effect because it raises tax on tax, therefore, creating double taxation. Hence, because of the regressive and inflationary nature of the system which is in place ...

Mr Speaker: The hon. Member should put his question.

Mr Li Kwong Wing: ... will the Minister take a view on reviewing this fiscal system?

Mr Duval: Mr Speaker, Sir, there is a slight increase in 2011 in terms of percentage, weightage of indirect taxation. But this is a whole debate that you can

have on direct taxation, whether it is regressive or progressive. That's a whole debate. We can have this debate if the hon. Member likes, whether Mauritius has chosen to be a light tax jurisdiction, particularly for direct taxation for particular reasons and nobody can doubt that this has been a success. Now we are a low tax jurisdiction, we are open to the world, we are open to investment etc. On the other hand, the annual Budgets comprise a whole lot of amounts which are given as social expenditure. That has been the choice of Mauritius and I think that will remain the same.

Mr Li Kwong Wing: I thank you, Mr Speaker, Sir. This is not a debate. The clear result of this system of taxation is that there is an increasing dependency on indirect taxation which is inflationary, which reduces the purchasing power of the public and which also hampers growth as seen from the latest estimates of the Central Statistical Bureau. That's the reason why the question is: there is no debate on the issue, it is very clear, the results are there, this system of taxation is clearly unsustainable and what is the Minister doing about it?

Mr Duval: Mr Speaker, Sir, it is clear that I don't agree and that's it. I don't agree with what the hon. Member is saying. There are advantages for and against and we can argue till the cows come home, Mr Speaker, Sir.

Mr Li Kwong Wing: In view of the clear results that have arisen from this system of taxation, is the Minister ready to consider capping the indirect tax revenue obtained during the year?

Mr Duval: No, Sir.

FOREIGN DIRECT INVESTMENTS - AMOUNT

(No. B/779) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the vice-Prime Minister, Minister of Finance and Economic

Development whether, in regard to Foreign Direct Investments (FDIs), he will state the total amount thereof –

- (a) received in 2010 compared to the estimated amount thereof expected to be received in 2011, and
- (b) raised as at end of September 2011 compared to 2010, indicating the changes in the composition of the FDIs and how they will impact on the balance of payments, exchange rate and macroeconomic policy.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, with regard to part (a) of the question, Foreign Direct Investment (FDI) in Mauritius amounted to Rs13.9 billion in 2010. This included two exceptional transactions namely in the healthcare and the banking sectors. Exclusive of these exceptional FDIs, total inflows in 2010 amounted to around Rs10.4 billion.

As far as part (b) of the question is concerned, I wish to inform the House that the figures for FDI in Mauritius for the third quarter of 2011 are not yet available. Provisional estimates released by the Bank of Mauritius show an FDI flow of around Rs3.4 billion in Mauritius during the first semester of this year compared to around Rs8.2 billion during the same period of last year.

I am tabling the details, including changes in the composition of the FDI during that period. I am giving full details, Mr Speaker, Sir.

Based on the latest information available on FDI flows and expected projects, we are estimating total FDI to be around Rs8 billion this year.

As the House is aware, the amount of FDI is one of the many factors influencing the balance of payments and the exchange rate. The appropriate policy

mix to ensure sustained growth and investment will be addressed in the forthcoming Budget.

Mr Li Kwong Wing: Will the Minister agree that there has been a significant drop in the FDI into the country since this year and, not only there is a significant drop, but there is also a concentration of the FDI in only one particular sector which is the Real Estate sector?

Mr Duval: There is a drop, Mr Speaker, Sir. Obviously, I have just given the figure. There is also, I presume, a higher weightage for that. That is true.

Mr Bérenger: I have been trying to get an answer. Does the hon. Minister of Finance have the figures? Because when we talk of Foreign Direct Investment, what we have in mind is creation of wealth and creation of employment. But I am given to understand that a good part of this FDI is stock exchange relations, that is, selling shares and purchasing shares. Can I know what were the sums last year, for example, that went into purchase of shares and Stock Exchange transactions?

Mr Duval: Mr Speaker, Sir, I don't have the purchasing of shares as such. We have investment and there is some investment in financial insurance. I would not be able to know whether that went through the Stock Exchange or that went directly through a private company.

Mr Li Kwong Wing: Can the Minister of Finance confirm to the House that this is very disturbing trend that the FDI that is coming to Mauritius is concentrated in speculative investment in property and also in short-term volatile investment and stock exchange and what is being done in order to change that trend?

Mr Duval: Mr Speaker, Sir, I did not say that it was a short-term volatile; I said that I did not have the figures and that is not the same.

As far as the composition of the FDIs, I would agree with the hon. Member that this is not just the amount of the FDIs that has its importance; for instance, if we had Bill Gates come here even with Rs100, 000, it would be great. He will not have to bring any money because it is technology, innovation and also into manufacturing etc. I agree with the hon. Member that we should try and improve the composition of the FDIs.

Mr Li Kwong Wing: Does it mean that if that trend has not been reversed and diversification of FDIs has not been achieved, therefore, the BOI has failed in its promotion services or that there are things that should be done at the level of the BOI which is not performing, given the fact that a lot of resources are already being provided to the BOI for the purpose?

Mr Duval: No, Mr Speaker, Sir, I have only been here for one month or so, I think that the promotion of Mauritius overseas is of a major importance, whether it is in exports or investment promotions. I am personally with my colleague Ministers looking at these because I think that is crucial for our country.

Mr Speaker: Yes, last question from hon. Uteem.

Mr Uteem: Thank you, Mr Speaker, Sir. Regarding the concentration of the FDI, is the hon. Minister in a position to indicate whether there is a concentration countrywide from those who invest in FDIs in Mauritius?

Mr Duval: Mr Speaker, Sir, it is a long list and I am circulating it so that the hon. Member can have a look.

MRS L. D. S. – LA TOUR KOENIG – SOCIAL ENQUIRY

(No. B/780) Mrs A. Navarre-Marie (First Member for GRNW and Port Louis West) asked the Minister of Social Integration and Economic Empowerment whether, he will state if he has been informed of the conditions in which one Mrs

L. D. S., and her family have been living at La Tour Koenig and, if so, will he state if a social enquiry has been carried out in relation thereto, indicating –

- (a) when, and
- (b) the measures, if any, taken to come to their assistance.

Mr Dayal: Mr Speaker, Sir, I am informed by the National Empowerment Foundation that, on 02 June 2011, Mrs LDS who is not owner of a plot of land applied for a house under the Social Housing Scheme of the NEF. A social enquiry was conducted in mid-July indicated that the applicant was renting a house at La Tour Koenig, was in employment and was, therefore not, eligible for assistance under that scheme. The enquiry also revealed that the applicant had received an eviction order which would take effect from 01 August. She was expecting to obtain a plot of State land on lease.

The family was unfortunately evicted in the beginning of September and erected a CIS and a tent shelter to be used as a dwelling for the family over a plot of State land at La Tour Koenig, Pointe aux Sables.

Taking into consideration that Mrs LDS and her family were in a very desperate situation and were living in very precarious conditions, I requested the NEF to explore possibilities of helping that family. Subsequently, the National Empowerment Foundation, considering the situation as a hardship case, agreed to provide an emergency housing unit to the family subject to Mrs LDS either obtaining a building site lease from the Ministry of Housing and Lands or granted permission by landowner to construct such a housing unit over his/her plot of land.

Mr Speaker, Sir, I am pleased to inform the House that Mrs LDS has finally been granted a building site lease over a plot of land at Floribunda Street, Pointe aux Sables on 13 October 2011 by the Ministry of Housing and Lands. On the

same day, the National Empowerment Foundation which was closely monitoring this situation started the construction of the CIS housing unit which has been completed and handed over to Mrs LDS yesterday.

MEAT & FOOD PREPARATIONS - SALMONELLA - CASES

(No. B/781) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Health and Quality of Life whether, in regard to salmonella, he will state, since January 2011 to-date, the –

- (a) number of reported cases of presence thereof in meat and food preparations, indicating the number of cases of death that has occurred following consumption thereof, if any;
- (b) number of samples of meat and food preparations taken with a view to detect the presence thereof and the outcome thereof;
- (c) number of school canteens, snacks and restaurants which have been controlled therefor, indicating the outcome thereof, and
- (d) actions taken to sensitize the food sellers and the public in relation thereto.

Mr Bundhoo: Mr Speaker Sir, from January 2011 to date, the number of reported cases of the presence of salmonella in samples of meat and food preparations associated with food poisoning is as follows -

February	April	May	June	August	Total
5	6	3	1	3	18

I am advised that the number of cases of death that has occurred following consumption of contaminated meat and food preparations cannot be determined with certainty as left-overs of food consumed have in most cases been unavailable for analysis. However, in one case the post mortem report from the Police revealed the presence of salmonella from culture of samples of intestines of the deceased.

With regard to part (b) of the question, 2,159 samples of meat and food preparations were taken for analysis. As stated earlier, 18 samples linked to food poisoning, showed the presence of salmonella. These samples were taken from -

- (i) one private household wherein members of the family were sensitised on good hygienic practices;
- (ii) three bakeries which were issued with Prohibition Orders and one of these was fined Rs25,000 in Court, and
- (iii) one canteen of a tertiary institution which was issued a Prohibition Order and to which a contravention was established.

Concerning part (c), the following outlets were visited –

Canteens	Snacks	Restaurants
2,630	3,221	2,060

- 1,785 Improvement Notices were served on food licensees.
- Remedial action has been taken in respect of 1,443 Notices.
- Contraventions have been established for the remaining 342 Notices for which there has been no compliance with the conditions set out therein.
- Notices before issue of Emergency Closing Order were served on 41 food operators.

- 34 of these Notices were attended to.
- Emergency Closing Orders were served to the remaining 7 operators who did not abide by the conditions laid down in the Notices.
- 237 Prohibition Orders were served on food operators.
- Since 110 of these have not respected the conditions set out in the Orders, these have not been waived.
- A total of 649 contraventions has been established and the fines paid in Court almost amount to Rs1 m.

With regard to part (d), the thirteen Regional Health Offices of my Ministry conduct a Food Handler's Training Course before the issue of Food Handler's Certificate to food sellers and a refresher course is carried out every three years. During regular inspections of food premises, onsite health education, including measures to prevent cross contamination, is delivered to the persons servicing the Food Outlets.

Sensitisation programmes on food safety are conducted on radio and television by Health Inspectors and Medical Officers.

Moreover, I wish to inform the House that a National Action Plan on Food Safety will shortly be finalised by my Ministry and necessary budgetary allocation is being made. Two main components of the Plan comprise monitoring of food and food premises and sensitisation of the population at large. The Plan will be implemented in the next financial year.

Pending finalisation of the National Action Plan on Food Safety, the Ministry has given firm instruction to double or even triple the vigilance and to apply the law without fear and favour.

Mrs Radegonde: Mr Speaker, Sir, may I ask the Minister what are the sanctions which are provided under the relevant legislation for those who contravene the law?

Mr Bundhoo: Mr Speaker, Sir, all these are specified in the law and I do not have it on me at the moment, but I will be very pleased to make a copy available to the hon. Member.

Mrs Radegonde: May I also ask the hon. Minister whether it is proposed to amend the legislation so as to provide more severe penalties in view of the increasing number of cases of food poisoning caused by salmonella which has been detected recently?

Mr Bundhoo: This is precisely the reason why we are preparing a National Action Plan on Food Safety, and this will most probably also include amending the law, making the penalties more severe, whenever and wherever it is required.

Mrs Radegonde: Mr Speaker, Sir, may I ask the hon. Minister if he has been informed that there has been a significant number of eggs seized due to the presence of salmonella and whether he can inform the House about it?

Mr Bundhoo: Mr Speaker, Sir, I will look into the matter and inform the House.

COTTEAU RAFFIN, LA GAULETTE – J. Y. M - ASSISTANCE

(No. B/782) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Social Security, National Solidarity and Reform Institutions whether she will state if she has been informed of the case of one J. Y. M., of the region of Cotteau Raffin, La Gaulette, in Constituency No.14, Savanne/Black River, who has attempted suicide on several occasions and, if so, indicate the measures taken, if any, to offer any assistance to him.

Mrs Bappoo: Mr Speaker, Sir, according to information obtained from officers of my Ministry, J.Y.M of Cotteau Raffin, who is 11 years old is reported to be an unruly child and comes from a split family. He was referred to the Rehabilitation Youth Centre (RYC) in June 2011 last on the Magistrate's order, on the charge of child beyond control. He spent only seven days at the institution and was thereafter released to the care of his mother. During his stay at the RYC, he never showed any suicidal tendencies.

It is, Mr Speaker, Sir, very unfortunate, however, that in spite of the numerous channels of communication made available to members of the public, in need of support by the Suicide Prevention Unit of my Ministry, which is now known as Life Plus Unit, this case has never been reported to our services. But nevertheless, officers of my Ministry are presently investigating therein and appropriate action will be taken as required.

Mrs Radegonde: Mr Speaker, Sir, in view of the seriousness of the case and to prevent any recurrence of attempt to commit suicide, will the Minister say whether it is proposed to arrange for a psychologist to examine him in order to provide necessary psychological assistance to him?

Mrs Bappoo: Mr Speaker, Sir, as I said, we are taking appropriate action and since yesterday there is a psychologist on site, meeting the child and the mother.

Mrs Radegonde: Mr Speaker, Sir, may I ask the hon. Minister if she is aware that there are only five members of staff covering all the catchment areas from Pointe aux Sables to Richelieu, Bambous to Bel Ombre and this is not adequate. Will the hon. Minister consider the advisability of increasing the number of staff?

Mrs Bappoo: This might be a possibility, Mr Speaker, Sir, but I have been informed as well that there is an established protocol with various Government Departments, such as the Police, the Ministry of Education, the Ministry of Health, the Ministry of Gender Equality and through this protocol, these departments are able to give a helping hand. But I will certainly look into the lack of personnel in this field.

PHOENIX-IVTB ROUNDABOUT - ROAD WORKS

(No. B/783) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the road works being carried out at the Phoenix IVTB roundabout, he will state -

- (a) the name of the contractor;
- (b) the scope of works, indicating if the lighting of the roundabout is included therein and, if not, why not;
- (c) the contract value thereof, and
- (d) if there has been variation in the scope of works and if so, the cost thereof.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, the Contractor for the on-going road works at Phoenix (IVTB) roundabout is Gamma Civic Ltd. The scope of works consists of provision of a third lane from Pont Fer to St. Jean (Northbound) and from St. Jean to Pont Fer (Southbound). The contract value for this project is Rs116 m. excluding VAT.

The project as initially conceived provides for the southbound third lane to stop just before the Phoenix (IVTB) roundabout, the reason being that it is

proposed to create a major grade-separated junction to replace the existing three roundabouts, i.e, at Phoenix (IVTB), Phoenix (Valentina) and Jumbo.

However, as this mega project which will cost nearly Rs2 billion is now included in the PPP Road Decongestion Programme and will take some 2 - 3 years to materialise, my Ministry has deemed it necessary to extend the southbound third lane beyond the existing Phoenix (IVTB) roundabout. These additional works comprise also the provision of a new access to Valentina, the widening of the existing box culvert at Pont Fer and road lighting.

The reason for this extension is that although the third lane will increase capacity between St. Jean and Phoenix (IVTB) roundabout, the latter will still constitute a bottleneck. Surveys have revealed that around half of the volume of traffic using the road from St Jean to Phoenix moves towards the South and the remaining half moves towards Vacoas/Floreal. The new bypass which will remove at least 50% of the southbound traffic from the roundabout will significantly alleviate traffic congestion, especially during the afternoon peaks.

The estimated cost of this variation is Rs33 m. exclusive of VAT. I wish to add here that we expect savings of some Rs13 m. on the initial project.

The whole project has been conceived, designed and is being supervised by engineers of RDA. No consultants were involved and this has resulted in additional savings for Government.

Dr. Sorefan: Mr Speaker, Sir, trying to view myself at Pont Fer roundabout, I am really at a loss as well as many other people. Can the hon. Minister lay in this House the proper design of the Phoenix-Pont Fer roundabout?

Mr Bachoo: The hon. Member feels a bit confused because the work is not yet over. Yesterday I conducted a site visit and I can assure the House that all

necessary precautions are being taken. In fact, this is a very complicated region, but I can assure the House that once the works are completed, one can save, at least, 15 to 20 minutes. Definitely, I will take his advice into consideration and I am going to submit a copy of the new design and the plan to each Member of the House.

Ms Deerpalsing: I have heard the hon. Minister in his answer talking about the new additions to the Phoenix-St Jean roads. Can the hon. Minister confirm that from the corner of Avenue Tulip and Hilcrest Avenue, there will be an addition that will link that corner of Tulip and Hilcrest Avenue to a roundabout which will go onto the main road?

Mr Bachoo: In fact, the engineers of my Ministry have nearly completed the plan. The Avenue Tulip is being widened and the work may start very shortly. At the same time we are providing a roundabout that will link it to the main road.

Mr Lesjongard: May I ask the hon. Minister whether he can confirm that the portion between the Phoenix roundabout near the IVTB and the next roundabout near Betonix will also include a third lane, for both sides of the highway?

Mr Bachoo: No, Mr Speaker, Sir. For the time being, we are concentrating on one side only and once the work is over then we will have a look at it. As I have just mentioned the PPP project is also in the pipeline.

Mr Lesjongard: Does the hon. Minister think that this will be the part of the highway where the bottleneck will be?

Mr Bachoo: In fact, the technicians have found that the worst affected area is that particular roundabout and that is the reason why they are trying to clear it. Once it is over and if there is any addition to be made, we are going to look into it.

Mr Bhagwan: Last time, I raised the question of lighting from St Jean to Pont Fer and the hon. Minister gave assurance to the House - during Budget time or on a particular PQ - that there will be a lighting facility. From what I have gathered from the engineers of the RDA, this is not the case. Can the hon. Minister check with the engineer as this is a place where there are several cases of accident and now with the enlargement of the road on both sides, I foresee more problems. Can the hon. Minister give an assurance to the House and give us a proper reply because last time he gave us a reply here, but when we talked to his officers, this was not the case.

Mr Bachoo: Mr Speaker, Sir, I have already mentioned that, in fact, it is in our programme, but there are hundreds of projects and the number of technicians in my Ministry is limited. The hon. Member has to bear with me, in fact, we have taken the decision and we are coming with it.

Mr Ameer Meea: Thank you, Mr Speaker, Sir. Can I ask the hon. Minister whether metal barriers could be installed there, so that deer would not trespass ...

(Interruptions)

Mr Speaker: What is the question of the hon. Member?

Mr Ameer Meea: To prevent deer crossing and prevent damages to official cars.

(Interruptions)

Mr Bachoo: I leave it to the engineers of my Ministry.

(Interruptions)

Mr Speaker: Order now!

Mr Jhugroo: Can the hon. Minister confirm whether there will be any flyover at this particular point?

Mr Bachoo: Mr Speaker, Sir, in fact, the consultant has proposed a design and it has been submitted to the PPP. This is not for tomorrow; it will take some time.

MARE AUX VACOAS CATCHMENT AREA - DEFORESTATION

(No. B/784) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the Minister of Agro-Industry and Food Security whether, in regard to the Mare aux Vacoas catchment area, he will state the -

- (a) acreage thereof, and
- (b) extent of deforestation thereat and the reasons therefor, indicating if further deforestation is being considered or alternative reforestation and, if so, over which acreage and period.

Mr Faugoo: Mr Speaker, Sir, the acreage of Mare aux Vacoas Reservoir catchment area, as described by the Water Resources Unit, is approximately 19.5 km² and equivalent to around 2,000 hectares, which falls under forest cover.

As far as part (b) is concerned, no deforestation has been effected on State lands forming part of the catchment area. Consequently, the questions of further deforestation or alternative reforestation do not arise. According to latest estimates by the Forestry Service, there are around 1.6 million mature trees in that region, meaning within the catchment area. Moreover, every year, restocking is undertaken regularly to maintain the tree density.

However, I must inform the House that silvicultural activities of timber extraction, which were carried out outside the catchment area, have been

suspended upon my instructions since last year, to enhance water flow to the reservoir and further protect the watershed.

Dr. S. Boolell: This is the international year ...

Mr Speaker: No...

Dr. S. Boolell: I am going to add to it.

Mr Speaker: Put the question directly!

Dr. S. Boolell: Is there a policy of sustainable forest management this year, Mr Speaker, Sir?

Mr Faugoo: We have managed to sustain the forest cover of Mauritius, because there has been no reduction whatsoever. In fact, we have recorded only four hectares of reduction, and that also due to construction of public projects, Mr Speaker, Sir. The forestry service reforests some 110 hectares of forest land annually, which involves planting some 175,000 plants every year.

Mr Jhugroo: Can the hon. Minister state why Mare Longue Reservoir, which is hardly a few kilometres away, is always full of water compared to Mare aux Vacoas?

Mr Faugoo: The hon. Member should send a message to God, Mr Speaker, Sir.

Mr Jhugroo: *Zotte soy. Couma zot expliquer deux fois zot au pouvoir réservoir sec?*

(Interruptions)

Mr Speaker: Order! Next question! Dr. S. Boolell.

(Interruptions)

Mr Speaker: Order now!

CSR COMMITTEE - PROJECTS

(No. B/785) Dr. S. Boolell (Second Member for Curepipe & Midlands) asked the of Social Integration and Economic Empowerment whether, in regard to the Corporate Social Responsibility, he will state the number of projects which have been submitted to the national CSR Committee, since January 2011 to date, indicating the -

- (a) number thereof which have been approved;
- (b) time taken between submission and approval thereof, and
- (c) reasons for non-approval, in each case.

Mr Dayal: Mr Speaker Sir, the number of projects submitted to CSR Committee since January 2011 to date is 373, and the number of projects approved is 352.

With regard to the time taken between submission and approval, the average is two weeks, except where information is incomplete and further clarifications are required.

I am informed that the reasons for non approval of 21 projects by the CSR Committee are due to the fact that they were not in accordance with the CSR guidelines. I am tabling the list of projects that have not been approved, with detailed explanations side by side.

Mrs Hanoomanjee: Can I ask the hon. Minister whether he would be agreeable to table a list of the beneficiaries together with their names and addresses for that same period?

Mr Dayal: I have no problem, Mr Speaker, Sir.

Mr Li Kwong Wing: Mr Speaker, Sir, with regard to the projects, may we know from the hon. Minister the amount of funds that have been collected under this CSR scheme and the amount of funds that have been disbursed?

Mr Speaker: No, the question is a specific one. The Member is asking the Minister to state the amount that has been collected. He must come with a substantive question.

(Interruptions)

Mr Jugnauth: Can the hon. Minister state whether...

(Interruptions)

Mr Speaker: Order!

Mr Jugnauth: Can the hon. Minister state whether there is any monitoring mechanism that has been put in place to verify whether CSR funds are, in fact, being used properly and according to the established guidelines that I have just heard the hon. Minister say and, if so, how many projects or programmes driven either by the NGOs or other corporate partners have been monitored since January 2011?

Mr Dayal: Mr Speaker, Sir, again the question pertains to the number of projects that have been submitted, those that have been approved and those that have not been approved. I am tabling a list of those that have not been approved and the reasons thereof, and as the hon. Member on the other side has asked for those that have been approved, I will table same. If the hon. Member comes with a substantive question regarding monitoring, I will gladly answer.

Mrs Ribot: Mr Speaker, Sir, I would like to ask the hon. Minister whether the monitoring forms have been sent by the National CSR Committee to the NGOs

of the private sector for the period January to June 2011, and if they have been submitted in return.

Mr Dayal: Again, Mr Speaker, Sir, I do not have this information. I will gladly answer if the hon. Member comes with a substantive question.

Mr Ganoo: Can the hon. Minister give us the net amount involved for the projects which have been approved?

Mr Dayal: Mr Speaker, Sir, I do not have this information. But, then, I can say to the House...

(Interruptions)

Mr Speaker: Order!

Mr Dayal: ...between July and December 2010 ...

(Interruptions)

Mr Speaker: Order! Let the Minister reply.

Mr Dayal: Mr Speaker, Sir, I can inform the House that, between July and December 2010, 183 NGOs benefited around Rs143 m. from the CSR companies.

Mr Bhagwan: If the hon. Minister does not have the list now, can he circulate who are the members of that national CSR Committee, how they were appointed and when, as well as their term of office?

Mr Dayal: I have no problem in circulating it.

Mr Speaker: Time is over! I must inform the House that PQs No. B/790, B/791, B/794 and B/796 have been withdrawn.

MOTION

SUSPENSION OF S.O. 10 (2)

The Prime Minister: Mr Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

CHAGOS ARCHIPELAGO – ‘MARINE PROTECTED AREA’

The Prime Minister: Mr Speaker, Sir, with your permission, I would like to make a statement about the latest developments in the case brought by Mauritius against the United Kingdom under the United Nations Convention on the Law of the Sea (UNCLOS) with regard to the ‘marine protected area’ which the United Kingdom has purported to establish around the Chagos Archipelago.

On 31 May 2011, I had informed the House of the decision of Mauritius to challenge the appointment by the UK of Sir Christopher Greenwood, Judge of the International Court of Justice, as a member of the Arbitral Tribunal constituted under Annex VII to UNCLOS to decide the dispute.

Following the exchange of pleadings between the Parties, the four other members of the Tribunal held a hearing on the challenge on 04 October 2011 at The Hague.

Having considered the written submissions and oral arguments of the Parties, the four other members of the Tribunal announced on 13 October 2011 their decision to dismiss the challenge against Judge Greenwood. The Tribunal indicated that it will give the full reasons for its decision in due course, and once that is received, we will study it very closely. Until then, it is appropriate to reserve any substantive comment, along with all rights in respect of the decision.

I wish to assure the House, Mr Speaker, Sir, that the challenge was brought after careful reflection and consultations with a number of eminent experts in the field. In case the reasoned decision refers to the pleadings, these will then become known and observers would be able to form their own view on the matter.

We have proceeded to bring the challenge in the light of the views we had received in support of such a course of action from some of the most respected authorities on judicial and arbitral ethics as well as from the most senior member of the English Bar, Sir Sydney Kentridge QC, and a former judge of the International Tribunal for the Law of the Sea. The decision was finally taken following the advice of our external lawyers who appear for us in this case.

As a State desirous of promoting the international rule of law, Mauritius also felt that it had an important contribution to make to international law by bringing the challenge. In our view, the effect of the challenge may assist in throwing light on the standards of independence and impartiality that are to be applied in the appointment of arbitrators in an inter-State arbitration, a significant matter given the increase in the number of cases.

Now, in the normal course of events, the Tribunal will shortly be setting the timetable for the filing by the Parties of their pleadings on the merits of the case.

I will, naturally, keep the National Assembly informed of developments.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time -

- (i) The Supplementary Appropriation (2010) Bill (No. XXI of 2011)*
- (ii) The Equal Opportunities (Amendment) Bill (No. XXII of 2011)*
- (iii) The Constitution (Amendment) Bill (No. XXIII of 2011)*
- (iv) The Local Government Bill (No. XXIV of 2011)*
- (v) The Education (Amendment) Bill (No. XXV of 2011)*

Mr Speaker: I suspend the sitting for half an hour.

At 4.21 p.m. the sitting was suspended.

On resuming at 4.58 p.m. with the Deputy Speaker in the Chair.

Second Reading

THE LAW PRACTITIONERS (AMENDMENT) BILL

(No. X of 2011)

Order for Second Reading read.

The Attorney General (Mr Y. Varma): Mr Deputy Speaker, Sir, the objective behind the present Bill is to implement long awaited reforms in order to modernise not only our legal profession, but, more generally, our judicial and legal system. It, therefore, comes to complement the Institute for Judicial and Legal Studies Act 2011, which came into operation on 01 October 2011.

This Bill, mainly seeks to implement certain recommendations of the Presidential Commission (chaired by Lord Mackay of Clashfern), the objective of

which was, as hon. Members would recall, to examine and report upon the structure and operation of the judicial system and legal profession of Mauritius.

Mr Deputy Speaker, Sir, it is here worth highlighting that the Presidential Commission considered it highly desirable that courses should be organised for the continuing education of lawyers. It also recommended judicial studies and stated that such studies are vitally important to the success of the Judiciary. It should be highlighted that judicial training and continuous professional development have already been introduced in many jurisdictions.

The Law Practitioners (Amendment) Bill is therefore being proposed so as to –

- (a) provide for the establishment of a Council for Vocational Legal Education (CVLE);
- (b) ensure that prospective law practitioners undergo an adequate period of training and pupillage;
- (c) make provision for law practitioners and legal officers to undergo Continuing Professional Development Programmes;
- (d) ensure that persons who wish to be considered for appointment as a judicial or legal officer follow an appropriate course, and
- (e) enable a citizen of Mauritius who has obtained a professional qualification to apply for admission to practise in Mauritius as a barrister.

Mr Deputy Speaker, Sir, it has been debated since a long time as to why Mauritian citizens who get qualified in other common law or civil law jurisdictions

cannot apply to be admitted to the Bar in Mauritius. Once enacted, this piece of legislation will translate that into reality as provision is being made for Mauritians qualified in New Zealand, Australia, Canada and France to also be able to apply for admission.

However, to make such persons better accustomed to the Mauritian Legal System, they will need to follow a course to be run by the Institute for Judicial and Legal Studies either during their pupillage or before taking the oath.

Mr Deputy Speaker, Sir, with this Bill, judicial training will become compulsory for anyone aspiring to become a Judge or Magistrate. It will also be imperative for someone to follow a course before becoming a legal officer. All law practitioners will henceforth be required to follow Continuous Professional Development Programmes every year to keep themselves abreast with the latest developments in the law.

Mr Deputy Speaker, Sir, much has been said over the years about the way pupillage is currently being conducted. It has been reported that there is seldom a proper structure for such training. In this Bill, provision is specifically being made for the Council to regulate pupillage by designating pupil masters and the law will, henceforth, impose duties on them which will include, *inter alia*, the obligation to provide to the Council for Vocational Legal Education a comprehensive report on the pupil's performance. Provision is also being made in this Bill for a pupil to go to Court after six months' pupillage.

Mr Speaker, Sir, as the House will have already noted, the Law Practitioners (Amendment) Bill not only seeks to implement some recommendations of the Presidential Commission, but also, very importantly, seeks to bring long-awaited reforms insofar as the organisation and conduct of the Bar Vocational Course and Examinations are concerned, and thereby makes provision for the establishment of

a Council for Vocational Legal Education and reviews the whole manner in which the vocational course and examinations are to be conducted.

Indeed, as the House is already aware, the results of the Vocational Examinations conducted by the Council of Legal Education (CLE) these past few years have been the cause of great concern not only among the vocational course students and members of the legal profession, but also among members of the public generally. The matter has been raised several times by hon. Members from both sides of the House. I recall raising the issue when I was myself a Government backbencher.

This state of affairs has consequently led to a number of representations from students for the reform of the vocational course which is found to be too academic and a repetition of the courses offered for the obtention of a law degree. It is being proposed to make the course more practice based and to include subjects such as advocacy, drafting, opinion writing, civil procedure, criminal procedure, evidence, ethics among others. In fact, the Chairperson of the Council of Legal Education has himself requested that the whole course be reviewed and conducted by a different institution. It may here be noted that the University of Mauritius (UOM) has already agreed to run the vocational course and to set up a centre for Professional Legal Studies for that purpose. I am informed that the Northumbria University, Nottingham Law School, Université de Limoges and the Cardiff Law School among other universities have expressed their interest to collaborate with the University of Mauritius in devising the course.

Furthermore, the Tertiary Education Commission for its part has been working in collaboration with the University of Mauritius in relation to the practical aspects of the conduct of the vocational course. Work, for the implementation of the changes being proposed today, is therefore already in progress. It is, therefore,

being suggested that the courses will be run by the University of Mauritius or any other accredited persons and exams will be conducted by a Vocational Examinations Board.

I must point out that the draft Bill was circulated among various stakeholders, including the Judiciary, the Mauritius Bar Association, the Chamber of Notaries, the Mauritius Law Society, the Office of the Director of Public Prosecutions and the Law Reform Commission for their views and comments, and that due consideration has been given to the representations made in the finalisation of the Bill. However, in view of the fact that representations were received even after the introduction of the Bill in the National Assembly, I will, in the light of those representations, be moving certain amendments, as circulated, at Committee Stage. These, Mr Deputy Speaker, Sir, were communicated to hon. Members well in advance to give them ample time to study the proposed amendments.

I shall now, Mr Deputy Speaker, Sir, take the House through the salient features of the Law Practitioners (Amendment) Bill, indicating, as I proceed, the changes and new provisions which the Bill proposes to bring.

First of all, clause 4 of the Bill repeals and replaces section 4 of the Law Practitioners Act which deals with qualifications of law practitioners, to make new provision in relation thereto. Thus, the new requirements for a citizen of Mauritius to apply for admission to practise law in Mauritius are found in the proposed section 4(2), by virtue of which prospective barristers who qualified in a State other than Mauritius should have a professional qualification and followed a prescribed course of training in Mauritius, while other prospective law practitioners - like those who qualified in Mauritius - should have been awarded a law degree, completed the vocational course and as per the proposed section 4(2)

as it presently stands, sat for and passed an examination. Moreover, every prospective law practitioner should have undergone pupillage. I would here like to point out that I shall, at Committee Stage, move amendments to clauses 3 and 4 of the Bill so as to –

- (i) delete the word “full-time” from the definition of “law degree”;
- (ii) delete and replace the definition of “professional qualification” by a new definition which will enable citizens of Mauritius who qualified in England and Wales, Australia, New Zealand, Canada or France to apply for admission to practise in Mauritius as a barrister;
- (iii) delete and replace subparagraphs (ii) and (iii) of the proposed section 4(2)(a) by new subparagraphs (ii) and (iii), and thereby also provide for a new definition, which is that of “Vocational Examinations Board”.

Clause 5, for its part, repeals and replaces section 5 of the Law Practitioners Act which presently provides for pupillage or articleship in special cases by a new section 5 which is entitled “Vocational course” and by virtue of which the subjects to be taught for the vocational course are as specified in the new added Second Schedule to the Law Practitioners Act. I shall, at Committee Stage, move amendments to the proposed section 5 to specify that vocational courses should be conducted by accredited persons and to delete paragraph (b) of the said section and replace it by a new paragraph (b) which specifies that the vocational examinations should have been conducted by the Vocational Examinations Board.

Clause 6 of the Bill seeks to amend the Law Practitioners Act by inserting a new section 5A, which provides for pupillage and –

- by virtue of which the Council For Vocational Legal Education shall, as per the proposed clause 5A(1), draw up and keep under review a list of law firms, and of law practitioners of not less than 15 years' standing from each of the 3 branches of the profession, which and who the Council For Vocational Legal Education, after consultation, considers are able to provide the required amenities and training to be a pupil master;
- more specifically, in its subsection (2), for the period of pupillage required for barristers, attorneys and notaries respectively;
- the duties of a pupil master;
- according to which prospective barristers who hold a professional qualification must, during their period of pupillage, follow, to the satisfaction of the Council For Vocational Legal Education, a course of training in such subjects as may, in the Council For Vocational Legal Education's opinion, be necessary to enable them to practise in Mauritius. They shall, however, not be required to sit for any examination.

I shall, at Committee Stage, move amendments to the proposed section 5A (1) and (2) so as to merge paragraphs (a) and (b) of subsection (1) and to delete there from the reference to law firms, and in order to provide, in subsection (2), for pupillage in Mauritius, England and Wales, Australia, New Zealand, Canada or France. As for section 5A(6), I shall move an amendment to specify the time when the course of training referred to therein should be followed.

Clause 8 of the Bill, as it presently stands, amends section 9A of the Law Practitioners Act to provide that no barrister or Attorney shall be appointed as Senior Counsel or Senior Attorney unless he is, and has been for at least 15 years, a barrister or an Attorney entitled to practise before the Supreme Court. I shall, at

Committee Stage, move an amendment to this clause to delete and replace the proposed section 9A(2) by a new subsection (2) in order to provide that barristers and Attorneys of 15 years' standing may be appointed as Senior Counsel or Senior Attorney.

Under Clause 9 of the Bill, the Law Practitioners Act is further amended to introduce new sections 9B and 9C, which respectively provide for Continuing Professional Development and courses for prospective judicial and legal officers.

As far as Continuing Professional Development is concerned, provision is made in the new section 9B for the Institute to devise Continuing Professional Development Programmes for each of the three branches of the legal profession with a view to broadening the knowledge of law practitioners and legal officers, keeping them abreast of developments in the law, encouraging them to share experiences and enhancing their professional skills. These Programmes may, for instance, include attendance at lectures, workshops or seminars, and every law practitioner, including legal officers, shall in every year follow a Continuing Professional Development Programme for the prescribed number of hours unless he is excused by the Chief Justice for reasons such as proven ability and experience, age, ill health or unavoidable professional commitments. I shall, at Committee Stage, move amendments to the proposed section 9(B)(3) to provide that law practitioners and legal officers shall "participate in" instead of "follow" Continuing Professional Development Programmes, and for the possibility of being excused on the grounds of age or ill health only. It is to be noted that failure to follow a Continuing Professional Development Programme may result in the matter being reported to the Judicial and Legal Service Commission in the case of a legal officer, and in the case of a law practitioner, in a written warning or the suspension of his right to practise for a period not exceeding one year.

As regards the new section 9C, it provides for another ground breaking and long awaited provision that any person who wishes to be considered for appointment as a Judge, Magistrate or legal officer shall follow a course devised by the Institute, and which is meant to enable persons to familiarise themselves with the duties which they will be required to perform in the office to which they wish to be appointed. I shall, at Committee Stage, move an amendment to this proposed section to provide for the course to be approved by the Judicial and Legal Service Commission.

Furthermore, under Clause 10 of the Bill as presently drafted, section 10 of the Law Practitioners Act which provides for the Roll of law practitioners is amended by repealing and replacing subsection (3) by a new subsection according to which the Supreme Court shall, on the appointment of a law practitioner as a judicial or legal officer, remove the person's name from the roll and may furthermore, on its own motion or on application by the person concerned, and after making such enquiry as it thinks fit amend an entry on the roll, remove the name of a person from the roll, cause the name of a person which has been removed from the roll to be restored. I shall, at Committee Stage, move to delete clause 10 and replace it by a new clause 10 which provides, *inter alia*, for a new subsection (4) which makes provision for the Supreme Court to keep a list of barristers in private practice, legal officers, law firms and law practitioners employed by them, law practitioners in employment and legal consultants.

Under Clause 11 of the Bill, section 11 of the Law Practitioners Act which deals with the establishment of the Council of Legal Education is repealed and replaced by a new section 11 which provides for the establishment of a Council for Vocational Legal Education. I shall, at Committee Stage, move an amendment, firstly, to the proposed section 11(2)(a) to add the words "and such

other persons as he may deem fit” and, secondly, to section 11(3)(a)(ii) to replace the words “after consultation with” by the words “on the recommendation of” .

Clause 12 of the Bill, as presently drafted, amends the Law Practitioners Act by inserting therein new section 11A, which specifically provides for the Secretariat of the Council for Vocational Legal Education. I shall, at Committee Stage, move an amendment to this clause so as to delete it and replace it by a new clause 12 which also makes provision for a new section 11B which provides for the setting up of a Vocational Examinations Board for the purpose of organising and conducting the vocational examinations on behalf of the Council.

As for Clause 13, it repeals section 12 of the Law Practitioners Act which provides for the functions of the Council of Legal Education and replaces it by a new section 12, whereby the functions and powers of the Council for Vocational Legal Education are listed. Thus, under the clause as presently drafted, the Council for Vocational Legal Education shall mainly be responsible for the granting of an authorisation to run a vocational course, supervise vocational courses and approve oral or written examinations for prospective law practitioners, draw up and keep under review a list of law firms, and of law practitioners who may be pupil masters. I shall, at Committee Stage, move an amendment, firstly, to delete the proposed section 12(b) and replace it by a new paragraph (b) according to which the Council shall supervise vocational courses and organise, through the Vocational Examinations Board, oral or written examinations for prospective law practitioners, and secondly, to delete the reference to law firms in section 12(c).

Another major amendment to the Law Practitioners Act is found in clause 14 of the Bill, which introduces a new section 12A in the Law Practitioners Act which makes provision for accredited persons. Thus, by virtue of this section, only an

accredited person shall run a vocational course, or hold himself out, by advertisement or otherwise, as being a person who runs or is entitled to run a vocational course. It is to be noted that “accredited person” is specifically defined in the Bill as meaning the University of Mauritius or a person who is the holder of an authorisation granted under section 12A (3), which provides that the Council for Vocational Legal Education may, following receipt of such a request, authorise a person to run such vocational course as it may approve. Under the proposed section 12A(7)(b), the Council for Vocational Legal Education may also require the accredited person to submit its syllabus or programme to it for approval and make such arrangements as it thinks fit to supervise the running of the course or the holding of examinations. I would here like to point out that I shall, at Committee Stage, move an amendment to this clause to delete there from the words “ or the holding of examinations”.

Under clause 15 of the Bill, section 21 of the Law Practitioners Act (which relates to the right of audience before Courts) is amended by adding a new subsection (4) by virtue of which a prospective barrister or attorney who has completed 6 months of pupillage may represent his pupil master’s client at any stage of any proceedings before a Magistrate other than a trial on merits, arguments on a matter of law or submissions at the end of a case. I shall, at Committee Stage, move an amendment to the proposed section 21(4) (a) to specify that a pupil may only represent the client in Court in the presence of the pupil master.

Furthermore, under clause 16, a new section 21A is sought to be introduced in the Law Practitioners Act, which specifically makes provision, *inter alia*, for a person following a vocational course or a prospective law practitioner undergoing pupillage to have access to the Supreme Court Library.

Clause 18 of the Bill, furthermore, seeks to add 2 Schedules to the Law Practitioners Act, which respectively provide for a list of legal officers and a list of subjects to be taught for the vocational course. I shall, at Committee Stage, move amendments to the Schedule in order to delete, in the newly added Second Schedule, “Dispute resolution” from Part II and to include “Commercial and business law” and “Family law” therein, and secondly, to insert in Part III, the subject “*Responsabilité Notariale*”.

Clause 19 of the Bill, for its part, provides for a consequential amendment to the Tertiary Education Commission Act (TEC Act), the main objective of which is to provide for a definition of the word “programmes”, which shall not include vocational course, except for the purpose of section 6 of the Tertiary Education Commission Act, which relates to the allocation of funds to tertiary education institutions in the light of their annual and long term programmes.

Finally, clause 20 of the Bill (which relates to transitional provision and savings) provides, amongst other things, that where at the commencement of the Law Practitioners (Amendment) Act 2011, the Council for Vocational Legal Education is satisfied that a prospective law practitioner has, in accordance with the repealed section 4 of the Law Practitioners Act, started undergoing pupillage, it may, subject to such conditions as it thinks fit, authorise him to continue and complete his pupillage which shall be deemed to be pupillage for the purposes of section 5A. I shall, at Committee Stage, move an amendment to clause 20(2) to replace the words “shall, the commencement of this Act” by the words “before the commencement of this Act shall, at the commencement of this Act”. I shall also move an amendment to clause 21 to delete and replace the existing provision by new provisions which provide that different sections of the Act may come into operation on different dates.

Mr Deputy Speaker, Sir, the objective behind the above changes is therefore, on the one hand, not only to review the courses being held by the Council of Legal Education and the examinations which are held but to ensure also that law students are given adequate and practical training so as to improve their chances of success at the vocational course and, on the other hand, to ensure that a high degree of professionalism and standard is maintained in the Judiciary and among law practitioners and legal officers throughout their career, and thereby improving our judicial and legal system generally by bringing the necessary reforms to ensure that members of the public get, as far as possible, the best professional legal services and thereby reinforcing the confidence of the public in the legal profession and the Judiciary.

I am thankful to my officers who have worked hard to make this Bill a reality.

I believe, Mr Deputy Speaker, Sir, that the measures and amendments being proposed today should be favourably welcomed.

With these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

Dr. A. Boolell rose and seconded.

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Speaker, Sir, there is no doubt that we are today calling upon to vote an important amendment to the Law Practitioners Act. It is important because the Law Practitioners Act is the Act which produces, not only our barristers, our solicitors and our notaries, but also our Magistrates and our Judges. In fact, we are proud today to have at the bench of the Supreme Court a Judge who has benefitted from the Law Practitioners Act.

Mr Speaker, Sir, it is a matter of regret that this amendment which is coming today has not been debated fully amongst the stakeholders. I have listened to the hon. Attorney General and I must say that it is probably the first time that I have been in this Chamber - my third term - I am hearing a speech on a Bill where there would be so many amendments - more than 20 - presented at Committee Stage. It is a total mess! It is an amendment which has been prepared by the ex-Government - because now we have a new Government - for which the Attorney General has been battling....

(Interruptions)

Because the MSM was with them and now they have a new Government!

(Interruptions)

Mr Speaker: Order, please!

Mr Baloomoody: He has been battling all throughout to come to a Bill and this is Bill which should have had unanimity in the House, which should have had unanimity amongst all the stakeholders, not only the lawyers, the solicitors or notaries, but also the students, the academic, the other institutions, be it the University or the Council of Legal Education as it is now. But, unfortunately, we are today in a position where the Attorney General has deemed it fit not to follow the path of his predecessors who, in 1982 - the MMM/PSM Government - embarked on the way of democratising and decolonising legal education in this country. It was in 1982, Mr Speaker, Sir. When the MMM with the PSM did it in 1982, we made sure that all those who were involved, all the stakeholders, could express their opinion, could ventilate what they had to say and this is why we contribute to the debate. This is why in 1982 when we set the committee chaired by Mr Justice Rajsoomer Lallah, there were in that committee important members

of the profession like Mr Guy Ollivry, Mr André Robert, Mr Hugues Maigrot, Professor Manrakhan, the acting Attorney General who was then Mr Pillay and Mr Ramdin Ghoorah from the Ministry of Education. We had that committee set up in 1982, because we wanted to have a law accepted by each and every people. This is why when the Government changed and the Bill came in 1984, Sir Anerood Jugnauth was the Prime Minister, but he was not a *fanatique politique* because the MMM/PSM decided something he freed it away. He continued on that same path which was led by the then Attorney General, Mrs Shirin Aumeeruddy-Cziffra, under the MMM/PSM Government, and he came with that Bill. There have been wide consultations with all these people who were on board. This is why when the Bill was presented by the then vice-Prime Minister, late hon. Gaëtan Duval Q.C, under the Primeministership who was a Q.C, it was unanimously approved by all the Members who intervened, from Sir Satcam Boolell Q.C to all the members of the then Opposition, including the Leader of the Opposition of today, who congratulated the then vice-Prime Minister. But it is a matter of regret that we cannot do that today. We cannot do that today because the hon. Attorney General has come with an amendment. Yes, he did consult the stakeholders, namely the Law Society, the Association of Notaries and the Bar Council. But, unfortunately, when he decided to move for amendment at Committee Stage, a document which we received only on Saturday morning, he did not deem it fit to have the opinion of the Law Society and the Bar Council. My information is that, probably, the Association of the Notaries as well. But I can speak at least for the Bar Council. This explains today in this House the absence of a member of the Bar Council although they have been invited to come and attend because they have not had an opportunity to discuss that Bill and they were not taken on board when it comes to the amendment.

Mr Speaker, Sir, this is an important Bill because we know for the last 27 years we have been under the actual Law Practitioners Act. It has done its way, there have been ups and downs and, unfortunately, as reported by the Attorney General, for the last two or three years, there have been some concerns expressed regarding the results because we don't know how the examinations and the papers are set. We don't know that the results were of concern and, unfortunately, with this amendment which is coming today that concern will remain.

Mr Speaker, Sir, the hon. Attorney General should not mix issues. Lord Mackay, at no time in his report, did suggest that we should reform the Council of Legal Education. In his report they are for continuous learning for Barristers and Solicitors. There are others, but for the vocational course, Lord Mackay did not make any recommendation whatsoever. It is good that we decide to look into it again, but we have to make sure that what we propose is improved and acceptable to all concerned, especially students and those who want to be trained as Lawyers and Barristers.

Mr Speaker, Sir, when we look at the Bill itself, the amendment – I am not looking at the proposed amendment - says -

“To provide for the establishment of a council for vocational, legal education.”

We have yet another Council which we have voted at the last sitting, to look for students or prospective Barristers, Notaries and Solicitors. What does the Explanatory Memorandum say? It provides for the establishment of a Council for Vocational Education.

Here we have some concern regarding the composition of this Council and this was recommended by the Lallah Commission. Actually, we have members of

that Commission who were nominated either by the Chief Justice or by their Association, the Bar Council directly, the Law Society and the Notary.

Today, we are being asked to improve that number to 11. When we look at those 11 members, there will be four of them who are nominated or appointed by the Attorney General. Why should an Attorney General have a say in such an important institution which will set examination papers, examine students and give results when, in fact, the only role the Attorney General had in the law as it is now is to replace the Solicitor General in case he (the Solicitor General) cannot attend? Why shall the Bar Council nominate somebody directly? Why can't the Law Society nominate somebody directly? Why should it be the consent of the Attorney General? If the Attorney General tomorrow - I am not speaking about our Attorney General because I am not personalising the debate - does not like the one who is nominated for reasons known to himself, this gentleman won't be allowed to sit on the Board? What makes matters worse is that four members are nominated by the Attorney General directly or indirectly and the quorum is five and it is this Body in the amendment which we will have now which will set exams and control exams through this Body, but through the Vocational Examination Board. They will supervise and organise an examination to be held by another Body now which is called the Vocational Examination Board. So, we will have a Board and then we will have the Council which will supervise everything. And these Councils which will supervise, we have maximum members nominated by the Attorney General. And this Council can give accredited personalities. We will have universities or sort of universities, private institutions that will now come and give us vocational courses. Do we need so many institutions for vocational courses when, in fact, we know that every year we have, at least, 30 to 40 members of the profession when we add Notaries - but Notaries anyway they are selected -

Barristers and Attorneys, we come to the region of 30 to 40. What is the point of having accredited institutions? Why can't we have only one institution, the University of Mauritius, that will run the course? Why can't the University run the Vocational Course as well? Already today the concern we have is that there is a total split between those giving the lectures and those who set the exams. There is no coordination. And what is worse is that that Vocational Examination Board will be set only for one year. We all know if we want to have professional and consistency, at least, one should know that there should be a syllabus and a set of questions.

We all know that today is the first day of the CPE. I am sure that most of the students involved in the CPE have been doing past exam papers last week, because we know at least what is the syllabus, where we are going, and what types of questions are expected from us.

Now, we will have the Vocational Board once every year. This one will decide to put the questions in this angle, and next year the Board will have the questions in a different angle, making life even more complicated. This is where the problem lies today. This is why we are having one or two people passing the exams. This Bill does not cure. I know that there has been pressure here and there, and they want to be on board but, by coming with an amendment to create the Vocational Examination Board, which is a body under another body, which will be the Council, it does not cure the situation. What we are doing today is very serious. We are going to have exams on an *ad hoc* basis. Students who have sat for exams this year, with such Board, can expect a different paper next year with a different result, different appreciation of facts and different grades to be given. Where are we going?

We need uniformity and consistency, and this is very important because, as I said, we are going to produce Judges of this country, and we know how important our Judiciary is. We have seen it recently; how important it is to have a strong and independent Judiciary, especially when certain authorities want to go over and above their powers. This is why we, on this side of the House, do not agree with the way in which this Bill has been produced and submitted to this House, especially that all those concerned have not been consulted when it comes to amendments. I can tell you that the Bar Council is very concerned that they have not been consulted before coming with so many amendments.

When we look at the Council itself, apart from the fact that we do not agree to have a sort of *mainmise* by the Office of the Attorney General on the nomination, we are not happy with the accreditation. We do not feel that there is a need to have colleges in each corner of the island for such an important course to be run. We feel that this should be left to one institution only, that is, the University.

Coming to Judges and Magistrates, they have to go through a course to be run by the institute. Are we going to have *une Ecole de Magistrature*? Because last time, when I intervened, I told the hon. Attorney General not to mix issues and the institutes with *une Ecole de Magistrature*. Are we going to have one? We badly need one, I must say. If we are going to have *une Ecole de Magistrature*, when does one start the course? When he is appointed magistrate, or if he wants to be a magistrate, then he goes and follow the course and subsequently he is not appointed! These are issues which we have to look into. This is why we need *une Ecole de Magistrature*. Once you are appointed magistrate, you go and follow a course for six...

(Interruptions)

No, the institute will look into other things. I was talking about a specific *Ecole de Magistrature* for young magistrates who have been appointed, and probably for Judges as well.

Mr Deputy Speaker, Sir, of course, my two learned friends will also address the House on the issue and they will go on specific issues. We feel, on this side of the House, that this amendment, as presented today, does not make unanimity neither inside nor outside the House. We feel that we are rushing to have an amendment, because time is running out. But, because time is running out, we are not going to propose a sort of Select Committee. No. We propose that, at least, we give an assignment to an independent commission, and if it can be presided by the same Judge, Mr Rajsoomer Lallah, to look into the matter urgently. After 27 years of experience with this Bill, I am sure he can come with positive suggestions, invite all the stakeholders to come and give their opinion, and come urgently with amendments to the Law Practitioners Act. We have listened to the hon. Attorney General, and it is a pain because there are so many amendments and it's so complex; there are so many stakeholders in this field; *surtout* that this amendment will have a long effect on our Judiciary and our legal service. This is why we are proposing that we give a brief to an independent person, if possible to Justice Rajsoomer Lallah himself, to look into the matter urgently and come with propositions which will be acceptable to all parties concerned. I am sure, by then, we shall vote this Bill without any opposition, and it will be a Bill which will have unanimity not only in the House, but also the nation.

Thank you, Mr Speaker, Sir.

(5.48 p.m.)

The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum): Mr Deputy Speaker, Sir, it is with great pleasure that I am addressing the House today on the Law Practitioners (Amendment) Bill and ...

(Interruptions)

The Deputy Speaker: Order, please! The Minister may continue.

Mr Pillay Chedumbrum: I do so not just as a Member of Government. I also have the advantage and the privilege, as many other Members of this House, of being part of the legal profession.

Mr Deputy Speaker, Sir, allow me at the very outset to congratulate our friend, the Attorney General, to have come up with this piece of legislation ...

(Interruptions)

The practise of law should be founded on an ideal of service not only to one's client, but to society at large. The Law Practitioners (Amendment) Bill makes changes to the practise of law and to the training of lawyers in a manner which is long overdue. It proposes to bring in amendments to the existing law, to ensure higher levels of service by lawyers in the conduct of their profession. It will do so in an enduring manner for the legal profession and for the administration of justice generally.

The Bill aims at opening the avenues for training for those who wish to join the legal profession through the recognition of degrees from a wider range of universities. It also provides for the recognition of professional training in a wider range of jurisdiction than had been recognised until now. Students who wish to obtain professional qualifications in the United States should be able to do so. This will only enrich the practice of law in our own jurisdiction.

The Bill also ensures that those who do practice law in Mauritius have undergone adequate training and are fit to work as professionals in our jurisdiction through regulating pupillage, continuous training for law practitioners and training for law officers and members of the Bench.

The Bill provides for the regulation of pupillage, pre-practice vocational training by prospective lawyers for the first time. This will be achieved not just through regulations of the persons who are able to provide such training, but also by ensuring that a report is sent at the completion of pupillage. Our system of law has its own specificities and it is important that we ensure that all those who do practise law in our country, do so with the level of proficiency and skill, which members of the public are entitled to expect of them.

At present, there are some 500 practising barristers and some 200 practising attorneys. Every year, some 50 new barristers are called to the Bar and it is a good thing that the country is allowing a high number of lawyers to practise. However, we must ensure that quality is coterminous with quantity in this respect. Setting up pupillage in a more formal cadre ensures that the future barrister enjoys the appropriate training once he/she starts practising the law.

The pupil master will no doubt act as a proper mentor, instructing, forming, and teaching the barrister about things to do and things not to do. This profession rests heavily on conventions and, as we know, unwritten conventions are as important as written conventions. Unwritten practice and customs which are passed on orally from generation to generation in this profession should continue to survive with the same vigour to sustain the due practice of the law, which is so important to the very foundation of our society.

This Bill provides for continuous training for law practitioners through compulsory attendance to continuing profession development programmes. This is

a measure which has long been felt necessary. The practice of law is by no means static and requires constant and continuing development by practitioners. New areas of laws and new laws are emerging all the time. We may have an idea of what is commercial and financial law, but can we pretend thereby to be an expert in future. For instance, the lawyer of today should be an expert and not a jack of all trades and master of none.

The economic and international environment is in need of refine and precise talent, not of overall glass. It is hoped that the development programmes, which will eventually be recognised by the Institute for Judicial and Legal Services, will also include professional development programmes organised by professional bodies outside Mauritius, such as the International Bar Association or the Law Society in England, to name but a few. Again, this will only enrich the practice of law in our own jurisdiction.

The Bill also provides for continuous training for law officers and members of the Bench through the organisations, of course, designed for them specifically and this will inevitably impact positively on the standard of justice dispensed by our courts. On the whole, the Bill will increase the standard of legal services offered in the country for the benefit of the population as a whole.

Mr Deputy Speaker, Sir, these are long awaited steps in the evolution of the legal professions, awaited by well-thinking members of the profession and the public also. They are part of the Government's commitment to higher professional standards and to ensuring that in all aspects of the life, Mauritians are afforded higher standards of care. I, therefore, commend this Bill to the House.

Thank you.

(5.55 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, we are today debating a Bill of utmost importance which affects the constitutional rights of ordinary citizens in Mauritius. What we are debating today directly concerns those who represent a citizen in court, those who can assist a citizen to vindicate his right or defend himself.

The State has a duty to ensure that law practitioners are properly equipped and trained before they are let loose onto the public, to borrow an expression from the Review Committee on the organisation and development of the University of Mauritius published in 1979. The public is entitled to expect standards of excellence from law practitioners in the execution of their duties and we have to ensure that the proper legal framework is in place to ensure that a law practitioner has the qualities and professional practice that justify the responsibility and trust placed in them by members of the public.

When we are dealing with such fundamental rights as access to justice, it is crucial that there be consensus, consensus not only in this National Assembly, but also amongst all stakeholders, be they professional bodies regulating the legal profession, the Judiciary, the teaching staff, the students and the public as end users of the legal services. Unfortunately, Mr Deputy Speaker, Sir, on this side of the House, we believe that the Bill is anything, but consensual.

It is worth seeing what the current position is. Only then, we will appreciate if the proposed amendments will improve the situation or not. At the moment we have three branches of the legal professions: Barristers, Attorneys, and Public Notaries. Each candidate wishes to become a law practitioner, needs to hold a degree and then he needs to pass the vocational exams set up by the Council of Legal Education and he needs to complete a pupillage, which ranges between one

and two years depending on the branch of his profession and then there is one derogation for barristers.

Barristers who are admitted to the Bar in England are allowed to become barristers in Mauritius by merely completing one year pupillage. But, it is important to know, Mr Deputy Speaker, Sir, why we have had this derogation for barristers. It is for historical reason because the rules of evidence and procedures are essentially English based.

In fact, before the Law Practitioner Act was proclaimed in 1984, the rules of Supreme Courts provided that, and I quote Rule 172 –

“No person shall be admitted to practise as a Barrister unless he shall have been admitted as a Barrister or Advocate in some one or the other of the Queen’s Bench Superior Court in Great Britain or Ireland.”

So, prior to the Law Practitioners Act of 1984, only Barristers admitted to the Bar in England and Wales were able to practise. This was an unsatisfactory state of affairs and there were a number of committees.

Eventually the Committee on the Review of Legal Studies in Mauritius, which was chaired by the then Mr Justice Rajsoomer Lallah, was very critical of the situation. He recommended that all Barristers be forced to sit and pass an examination set by the Council of Legal Education and the rationale for that is set out in his report and I quote -

“It may be said therefore that in spite of its origin, Mauritian law ceased over the years to be partly English and partly French but has developed into a significant body of law with the philosophy, doctrines and jurisprudence of its own though not as yet concretised in the systematic form of textbook or treaties which legal academics elsewhere have produced with regard to their

own law and which would no doubt have been produced in Mauritius if there had been, as is the case elsewhere, institutions for the teaching of law in this country”.

The rationale for making all law practitioners take the vocational examination was because Mauritius has its own sets of rules and regulations which have developed over the years. Mr Rajsoomer Lallah was not alone in echoing this feeling. This was also the view expressed earlier by the Committee chaired by Sir Maurice Latour Adrien in 1979/1981 again concerning legal studies and I quote from that report -

“Barristers who graduate in England have scarce or no knowledge of French law applicable to Mauritius whilst those who have qualified in French universities are not cognizant with the English side of our legal system. Up to now, all Barristers must have read law and been called to the Bar at Inns of Court in the United kingdom with the result that on their return to Mauritius, they are faced with the legal system of which they are to a great extent ignorant. It was to remedy this situation that courses in French law were started in 1973 and still go on with appreciable success.”

All the committees that came before 1984 recommended that we have a Law Practitioners Act and asked all people who wishes to become part of the legal profession to pass an examination.

In fact, the recommendation of the Lallah Committee was given force of law in the Law Practitioners Act, but there was a Grandfather Clause. There was a transitional provision; Barristers who had been admitted to the Bar before the 31 December 1992 were allowed to practise as Barristers. So, there was eight years advance notice given to law practitioners. All those who were qualified after 1992

in England had to take the Bar again and I am one of those, Mr Deputy Speaker, Sir, who, having been called to the Bar in England in 1993 - incidentally I was called to the Bar on the same day as the hon. Prime Minister except that I was from Middle Temple and he was from Inner Temple - but I have had to take again the examination for Barristers set by the Council of Legal Education. I am happy that I took that examination because this gave me an insight of the law in Mauritius and that helped me understand French law, Mauritian Law, I should say now.

When the MMM and the Labour party came to power in 1995, the law was changed again and Barristers who were already called to the Bar could postulate to become a Barrister in Mauritius, but at that point they needed to do one year pupillage. So, the hon. Prime Minister did not have unlike me to take the vocational course if he wanted to be admitted to the Bar in Mauritius, he only had to do one year pupillage.

After that, Mr Deputy Speaker, Sir, there is an uncertainty as to why there is a different treatment method for Barristers compared to Attorneys. Attorneys if you are qualified in England, if you are a solicitor in England, you cannot practise in Mauritius, you have to take back the examinations and the absurdity of the situation is that if I am an English solicitor, I can't be called to the Bar in Mauritius, but if I do a conversion course in England and I am admitted to the Bar in England by taking only one paper, automatically I am eligible to become a law practitioner in Mauritius.

Over the years, because of cost and other reasons and also because we have a very good University in Mauritius, an increasing number of students started taking the vocational course in Mauritius and we started having a two-tier system of lawyers; those who were called to the Bar in England and those who were called

to the Bar in Mauritius and in the beginning we had roughly the same number coming from both the Mauritian side of the Bar and the Great Britain side of the Bar.

But recently, Mr Deputy Speaker, Sir, we had noticed that fewer and fewer Mauritians who sat for the vocational course in Mauritius, be it Barrister or Attorney, was getting through the examination. And that was a serious cause for concern because I, for example, personally know of several people who failed the examination in Mauritius not once but twice, then they went to England, they were able to take the Bar in England, they were admitted in England and by virtue of being admitted in England they were able to practise in Mauritius. So, even though they had failed the Vocational Course in Mauritius and therefore in the eyes of the Council of Legal Education deemed not to be fit enough to be a Barrister in this country, by going to England they were able to circumvent the situation, come back and practise in Mauritius. So, this is definitely not a satisfactory state of affairs.

The question that we have to decide today, Mr Deputy Speaker, Sir, is whether the amendment proposed by the Government will remedy the situation. There are essentially two remedies that are being proposed by the hon. Attorney General. The first one is to increase the accredited person. At the moment the Council of Legal Education prepares the course, set the course, set the examination and corrects the paper, they have a monopoly over everything. What is being proposed now is you are going to franchise out the giving of courses; you will have the University of Mauritius who would be an accredited person, who would be able to give the course, but - and that is where, we, on this side of the House, have some serious reservation - it is not going to be only the University of Mauritius, it will be any other person as may be accredited by the Council and there is absolutely no

objective criteria that have been laid down at the moment or we don't know if there will be any laid down as to when an institution will pass the test and become an accredited person.

We are also very concerned that if the Bill goes through today, in January the course will start because already people from the University of Mauritius have completed their courses. Already those who want to become law practitioners will have to start the course in January. We are talking about two months and we know that December is a holiday month for most institutions. There is only one month for the University of Mauritius or another accredited person to set a syllabus, to recruit people, to train the lecturers and to deliver the course. By way of example, Mr Deputy Speaker, Sir, I will just show you in England the handbook for Bar professional training course for 2011-2012, it is a 187-page document, setting out in details what needs to go in the syllabus, how courses are going to be taught, at what time, what are the appeal procedures, what is the examination process. We are in October and we are saying today if the Bill passes through, as from January the University of Mauritius and other accredited persons will be able to start giving lectures.

The second way which the hon. Attorney General is proposing to remedy the situation is to increase the professional qualification. As I mentioned earlier, Mr Deputy Speaker, Sir, only barristers who have been admitted to the Bar in England and Wales are exempt from the requirement of taking the exam by the Vocational Course. Now it is being proposed that, in addition to people admitted to the English Bar, people admitted in Australia, New Zealand, Canada and France also get the privilege of being exempt from the exam requirements. I do not know, Mr Deputy Speaker, Sir, what criteria have been used by the hon. Attorney General to select those four or five countries. I know in the initial draft that was circulated,

there was the name of the New York Bar and then Commonwealth jurisdiction as may be prescribed. Why limit it to those five countries? What is so special about those five countries? Is it the case that a lot of Mauritians like to send their children to Australia, Canada and France, that is why we will start recognising these qualifications? Or has the Attorney General's Office done any kind of scientific research to compare the law in these jurisdictions and see that if one is trained in France then one has all the skills and aptitude to become a good law practitioner, a good barrister, in Mauritius. These are question marks that the hon. Attorney General will have to answer.

The next issue about these accredited persons is that they are required not to take an exam, but just to follow a course. Fair enough! By following the course, they would learn Mauritian law. But what guarantee do we have that they will actually apply their mind? We all know, Mr Deputy Speaker, Sir, if we don't have an exam to take, we will not spend the same concentration, the same time on the subject if we have to prepare for it. I am not saying that on this side of the House, everybody should take exams. But I am just saying that only time will tell whether those people who have professional qualifications from the new countries will learn at the expense of their clients.

Mr Deputy Speaker, Sir, I join my learned friend, hon. Baloomoody, in making a plea to the hon. Attorney General, that this matter of legal education, of forming law practitioners, of forming people who tomorrow are going to represent Mauritians before courts, who are going to defend their rights, is so important that it is necessary that we have a full consensus. I would urge the hon. Attorney General to consider setting up ...

(Interruptions)

The hon. Minister does not believe in consensus. In fact, the learned hon. Attorney General mentioned that we may exchange views - Opposition and the Government. We did talk.

(Interruptions)

Of course, we did! I told him personally that I was against having the New York Bar. We did say it. But we received the amendments on Saturday, three or four days before it is going to be debated. Is this the way that they want the consensus from this side of the House? We think, Mr Deputy Speaker, Sir, that this Bill is so important, going to the root of fundamental rights of the citizens to be represented in court that we need to have a proper committee chaired by Mr Rajsoomer Lallah or another former Judge as the Government may deem it fit to review and reconsider the whole thing about legal education and training in Mauritius.

Thank you, Mr Deputy Speaker, Sir.

(6.14 p.m.)

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed): In fact, Mr Deputy Speaker, Sir, it was very interesting to listen to hon. Uteem take us down memory lane and I think he is right because it is important for us to know the context, what history holds, in order for us to exactly know where we are going. I thank him for the insightful piece of information that he has shared with us in this august Assembly.

I was at the same time very interested to listen to what hon. Baloomoody had to say because just like hon. Uteem, hon. Baloomoody and hon. Pillay Chedumbrum, I also happen to be a barrister by profession and I have been so for lesser years than hon. Baloomoody. That is why I was very interested to hear what a senior in the profession would have had to say. I must commend hon. Baloomoody that, as a barrister, he has the gift of the gab and sometimes we do

develop this art. As you, yourself, Mr Deputy Speaker, Sir, would realise in basically uttering a lot of words, but really not saying much. But again, that is an art which we share.

However, I was interested to note, Mr Deputy Speaker, Sir, that there were objections, obviously, but I was trying to identify what the bone of contention really was. I am of the honest view, Mr Deputy Speaker, Sir, that there is no real contentious issue. The process - this is what I heard many times from hon. Baloomoody and hon. Uteem - of consultation was criticised, but then again we are all aware of this. As the hon. Attorney General has stated, there have been consultations with the Bar Council, the notarial profession, the Law Society.

The fact that the Bar Council is not present and the Chairman of the Bar Council is not in Mauritius, this is neither here nor there.

(Interruptions)

The hon. Attorney General is the vice Chairperson. Now, the presence in the National Assembly is neither here nor there. Also, the mistake we should avoid from making is the following: we cannot have consultations and then take on board whatever has cropped up during these consultations, put them on paper and keep on consulting again. That would tantamount to a never-ending story and that's it.

I must admit here that there was a PQ No. 1B/629 that was put in this august Assembly to the hon. Attorney General by hon. Baloomoody on 16 November 2010. That question referred precisely to the changes that had to be brought to the system that is in place today and which we do find now in the Law Practitioners (Amendment) Bill. The hon. Attorney General had given lengthy explanations, Mr Deputy Speaker, Sir. I am interested to read here that even the hon. Leader of the Opposition, hon. Bérenger, congratulated the hon. Attorney General and thanked him for his reply. If I may be allowed to quote him, he said -

“Can I congratulate the hon. Minister and thank him for his reply.”

He went on -

“Without blaming the present Chairperson of the Council of Legal Education, I believe the hon. Minister will agree with me *que c’est un crime contre la jeunesse qui a été commis.*”

I totally agree with those words because those words precisely identify what the ill was and he was then congratulating the hon. Attorney General because of the solutions that had been proposed in the answer he had given. That is precisely why he congratulated him. But most importantly, he said -

“Les espoirs sont brisés.”

Then he goes on to say -

“The Minister will have understood that it is not without reason that I have not proposed today a Select Committee. I think that we can move much faster.”

That is the reason why he did not propose a Select Committee.

“Therefore, that proposal for Select Committee is redundant.”

I think we can move much faster. That is the reason why he did not propose a Select Committee and therefore that proposal of Select Committee is redundant. I understand what the Leader of the Opposition meant here. There was urgency. *Le problème a été cerné comme il le fallait* by the Attorney General and he had, therefore, received the congratulations of the Opposition represented by the hon. Leader of the Opposition and that is why we have to move fast. As opposed to the stand taken by the hon. Leader of the Opposition, what surprises me today - and in this debate, I am duty-bound to raise this, Mr Deputy Speaker - is that last year, not long ago, the hon. Leader of the Opposition said there was no need to delay the process.

We had to go fast and today hon. Baloomoody says that we are calling for a Committee presided by former Chief Justice Lallah. Basically, I find that there is disunity and inconsistency between hon. Baloomoody's stand and that of the hon. Leader of the Opposition. There again, I am happy to note that, even at the level of the Opposition, there can be different views but that it be so diametrically opposed surprises me and saddens me. However, that comforts me, Mr Deputy Speaker, Sir, in my assertion that there is, in fact, no contentious issue.

Let me go to the second issue which was raised by hon. Baloomoody. He criticised the process and was very critical in saying that there is a *mainmise*. It is the word that was used by the hon. Attorney General in the nomination process; nominating of members on the Council for Vocational Legal Education. The clause which hon. Baloomoody was referring to is clause 11 2(f) where three practitioners to be appointed by hon. Attorney General. That is where and how he bases himself to say that there is a *mainmise* by the hon. Attorney General. But one should not stop and read only that paragraph where it says: "three law practitioners to be appointed by the hon. Attorney General." One should go further down and that is what the amendment proposes –

"The person referred to in subsection shall mandatorily therefore, include a Barrister and an Attorney or a Notary appointed not after consultation, but on the recommendation of."

There is a difference, Mr Deputy Speaker, Sir, between "after consultation with and on the recommendation of the Bar Council, the Mauritius Law Society Council or the Chambers of Notaries."

In other words, it is only on the recommendation of those three bodies that the Attorney General can act. Therefore, the argument put forward by hon. Baloomoody, that there was *mainmise* does not hold water and it falls flat because he forgot to refer to this very important section of this Bill, precisely 11 (3) (ii) that talks about the recommendation of and if one assesses what is meant by 'on the recommendation of', one reasonably would not have gone as far as to say that there was *mainmise* on the part of the Attorney General.

Let me also talk about another issue that hon. Baloomoody referred to. In the need or in that *mouvance* of a necessity to criticise, just for the sake of criticism, we get to a situation where the accreditation process is also criticised. Hon. Uteem also referred to the fact that the Opposition was totally against the fact that more than other institutions such as the University of Mauritius would be accredited and would be allowed to run the courses. What surprises us, however, is that hon. Uteem, hon. Baloomoody, after having said that they are totally against it, did not utter a single word as to say why. We are not inventing the wheel here. In the United Kingdom, there are several other institutions that are accredited to run the course. I personally took the course in 1992. When I took the course in 1992, there were already seven institutions running the course. We are today in 2011 and this process of entering the legal profession has been further democratised in the United Kingdom. But what the Opposition is asking us to do is to limit it and do not democratise it; leave it to the University of Mauritius. This is what they are asking us to do.

Hon. Uteem, Mr Deputy Speaker, Sir, went as far as to say - this is what he meant in his words - that hon. Ganoo, hon. Baloomoody, hon.

Obeegadoo, hon. Jugnauth, Mr Cuttaree, - I am not sure about hon. Bodha, I apologise – all those learned hon. Members of the legal profession whom I have a lot of respect for, who have marked legal history in this country, who have contributed to jurisprudence in this country, should have been made to take exams because they are qualified in the United Kingdom, because they were not totally versed. But this is what the hon. Member only shared. Rajsoomer Lallah may have said whatever he wanted to, the hon. Member did not have to bow to what he said and agree. Can you imagine how many years back that report was there? Thirty-seven years!

An hon. Member: The hon. Member was not even born!

Mr Mohamed: No, I was. Thank you for the compliment, but I was born.

(Interruptions)

Thank you, very nice of you! But what I am getting to here is that there have been many professionals - Ivan Collendavello, Sir Hamid Moolan, Sir Gaëtan Duval, Madan Gujadhur. In other words, Mr Deputy Speaker, Sir, all those professionals, barristers who have been here, whether we like it or not, it is not because we are the youth and belong to a new generation that we have to look down upon the old, and we have to say that basically they should have been made to take exams. We have to learn from our elders. We have to take respect through their experience. We have to admire them and we have to try to follow them.

(Interruptions)

Once again, Mr Deputy Speaker, Sir, I am trying to look where is the contentious issue; therefore, the reason why such easily demolished points

are brought forward by the Opposition. I questioned myself: why are they so easily demolished? Why is it so easy in a debate to bring it down? Because they were brought forward simply for the sake of criticism, but not for the sake of this country and for us to move forward; that is what saddens me.

What about *l'école de magistrature*? It seems though that some people in the Opposition are obsessed with three words: *école de magistrature*. What is in a name? It does not have to bear those three names. The law here, precisely, at clause 9(c) 1 of this Bill refers to the Institute that has been created, the Institute that will run such courses. Therefore, if you want to join the Judiciary, if you want to become a Magistrate, you want to join *la magistrature*, you will have to follow those courses. If this is not *une école de magistrature*, what is it? Once again, I say it, when the hon. Leader of the Opposition said that this is a matter of urgency, that we have to save the youths who are suffering from this actual system, that we should not go for another committee such as the Select Committee because he did not want to delay the process, I commend him for having said so. But, within his own ranks, there is division and people want to delay the process that is sad for those youths that we want to save as the hon. Leader of the Opposition had said we should.

Now, I have also listened to hon. Uteem and, as I have said, he has taken us down the memory lane. It was a nice trip, but it was even better to come back from that trip because, finally, when I listened to both hon. Uteem and hon. Baloomoody, I must say that I personally thought that there was consensus. We are a Government that believes in the need for consensus. There is also a very important fact, Mr Deputy Speaker, Sir, we are not a Government that believes in a lot of committees, Action Plan, plan

and no action whatsoever as it quite used to be once upon a time, and consensus does not mean, whatever one party says, you have to exactly put everything what they said in *toto* or take it on board, but as far as the Bar Council is concerned, I am informed there have been consultations. As far as the law society goes, I have been informed there have been consultations. There have been consultations with the notaries professionals and there have been complaints that the hon. Attorney General's Office has received from many students, but what we should do, in fact, is not to look at this glass and say it is half empty. Let us look at the positive within this Bill, let us look at the CPD - Continuous Professional Development- that is provided for in this Bill. It is sad, I would have loved to see the Opposition, at least, say that is a positive thing. It did not exist before and what we are doing in this world of ours when we have a lot of foreign law firms wanting to come to Mauritius, when we have business developing at such a fast pace, when we have to keep up with our competitors, when we have to keep up in the region with African countries, we have to keep up with South East Asian countries, keep up with the ability to deal with American clients, Australians and New Zealand that we have CPD brought in, for us to increase the ability of our lawyers, our solicitors, our notaries to compete in the international world. We should congratulate the hon. Attorney General, but then again when we want to simply criticise, obviously we will not draw the attention to positives and, in my humble opinion, Mr Deputy Speaker, Sir, this is an excellent piece of work that has been put in not only, I should say by the hon. Attorney General, by the officers of the Attorney General's office, but by the members of all the three professions whom I would like to congratulate.

I would like to congratulate them for the excellent work, the arduous task that they have performed by contributing immensely to the preparation of this Bill and this will take our legal profession forward. This is indeed for the success and for the salvation of all those children who are suffering by taking exams. There is a solution and now that there is a solution we should all adhere to it. We should all move, take it in both our hands and move it forward because this is what it is to be a patriot.

Thank you, Sir.

(6.33 p.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, je souhaiterais répondre directement au précédent orateur pour expliquer à nouveau, au risque de répéter certains arguments présentés, développés par mes collègues, les honorables Veda Baloomoody et Reza Uteem, où sont nos différences par rapport à l'approche du gouvernement.

D'abord la façon de procéder and *I will come to substantive issues. Rest assured*, hon. Mohamed ! La façon de procéder : il y eut donc un projet de loi, un projet d'amendement à la loi de 1984 qui fut circulé au mois de mai dernier. Ce projet de loi faisait vingt pages et samedi matin nous recevons un projet d'amendement au projet de loi d'amendement qui fait neuf pages. Je me demande combien de députés, membres de cette Chambre, ont essayé dans les détails de lire et de comprendre ce que dit le texte de loi existant, ce que proposait l'amendement, le projet de loi d'amendement de mai et la proposition d'amendement à l'amendement qui fait la moitié du projet de loi d'amendement de mai. Nous débattons d'un projet de loi d'une importance capitale. Il y va des fondements même de la démocratie mauricienne, les qualifications exigées de nos juristes, de

nos hommes de loi. C'est quand même l'ossature du système légal, du système judiciaire mauricien. Le ministre pourrait être mieux avisé de nous présenter tout simplement un nouveau projet de loi intégrant les amendements aux amendements afin qu'il y ait tout au moins clarté et pour faciliter la compréhension de tout un chacun.

Présenter, circuler un projet de loi, c'est aussi faire œuvre pédagogique dans l'esprit de la démocratie, n'est-ce pas ? Et je considère qu'il y a très peu de députés ici présents, M. le président, qui auront lu dans les détails et le projet de mai et l'amendement à l'amendement et compris exactement ce que propose le gouvernement. Et s'il fallait prouver ce que je dis, si vous considérez *the second schedule*, l'annexe au projet de loi qui présente le programme, les différents éléments du programme de formation professionnelle, du cursus si vous voulez, même là, entre mai et octobre, il y a eu des amendements. Il y a eu des amendements pour - si je ne me trompe pas - enlever certains éléments et introduire de nouveaux éléments. On a enlevé *dispute resolution*, on a ajouté *commercial and business law*, on a ajouté *family law*, on a ajouté responsabilité notariale. C'est à se demander si le gouvernement avait mûrement réfléchi ces propositions en mai.

Donc clairement, il y a eu une évolution conséquente en terme de ces implications et il aurait mieux fallu que le ministre vienne présenter un nouveau projet de loi pour permettre une meilleure compréhension. Donc, déjà de par le procédé, je pense que le ministre a fauté ; un projet de loi important où il aurait fallu réunir un consensus national avec la profession légale et aussi avec l'opposition. Voilà un projet de loi où nous aurions dû pouvoir, non pas avoir une approche partisane, mais parler d'une seule voix et c'est dommage que la façon de procéder n'aura pas permis cela.

Mais il n'est pas trop tard et c'est pour cela que mon collègue, l'honorable Veda Baloomoody, a, au nom de l'opposition, formulé une proposition que je vais tout à l'heure répéter. Mais quelles sont nos différences avec le gouvernement ?

If I look at the explanatory memorandum - let me make it very clear, we have no problem with the establishment of a Council for Vocational Legal Education in itself, by itself. We have no problem on the principle that prospective law practitioners must undergo adequate training and pupillage. We have no problem with the fact that law practitioners like legal officers must follow a continuing professional development programme. We have no problem that prior to appointment, a judicial legal officer must follow an appropriate course. Our problem is the qualifications and the training required of legal practitioners and, in particular, of barristers, because this is where this law will make a difference. What is the problem? Quel est le fond du problème, M. le président? C'est que, depuis des années, nous vivons une situation absolument scandaleuse. Ceux qui ne vont pas étudier en Angleterre en particulier, doivent concourir ici pour obtenir l'admission au barreau mauricien. Chaque année, seuls deux, trois d'une centaine d'étudiants réussissent à ces examens. Cela est un non-sens pédagogique; cela est de l'irresponsabilité vis-à-vis de ces jeunes qui perdent de leur temps, une année, parfois deux ans de leur vie, six ans, comme dit l'honorable Ganoo, qui investissent des ressources qui ne mènent à rien. C'est cela le fond du problème; c'est là le scandale qui provoque des drames humains année après année, avec une grave injustice du point de vue de l'équité, car ceux qui peuvent se le permettre financièrement s'en vont en Angleterre où il est plus aisé de réussir à l'examen du barreau anglais que de réussir ici, à Maurice, d'être parmi les un ou deux pour cent qui réussissent aux examens du barreau mauricien ou du *Law Society*. Voilà le fond du problème ! Voilà pourquoi le *Leader* de l'opposition, au nom de nous tous,

avait félicité le ministre de la justice dès lors que nous avons perçu chez lui une réelle volonté de faire évoluer les choses.

En mai, il avait été félicité, et nous espérons alors que nous pourrions partager nos idées, trouver une solution qui soit réaliste, qui soit efficace, qui mette fin à cette situation scandaleuse, et que nous puissions voter à l'unanimité. C'était là, M. le président, notre souhait, notre vœu que nous avons exprimé en toute sincérité. Le ministre a pris trois mois. D'abord, il a pondu le projet de loi de mai ; trois mois plus tard, des amendements qui n'ont pas été discutés avec nous et qui ont été présentés à la va-vite samedi dernier. Donc, à travers ces amendements, nous percevons une solution qui n'en est pas une. Cette solution qui est proposée de créer de nouvelles institutions sous le couvert d'une prétendue démocratisation, de permettre à tout un chacun d'offrir des cours de formation, ne nous indique en rien comment sera résolu le problème d'offrir une solution juste, équitable aux étudiants concourant à Maurice même pour se qualifier comme avocat ou comme avoué.

There are four points in substance where we disagree with the Government. Let me present those four points very clearly. The first point is: how does one qualify as a barrister? Right now, there are two options. The first is that you are called to the Bar in England or Wales - normally Mauritians go to England. You are called to the English Bar - we have a Welsh Minister. You go to the Bar in England or Wales, after which you undergo your pupillage either in England or Wales or in Mauritius; that's your first route. The second route is that you obtain a law degree in Mauritius from the University of Mauritius or a recognised institution, after which you follow the Council of Legal Education Vocational Course and, if you are very lucky - because you are one out of 40 - you get through those examinations and do your pupillage locally.

Now, what is being proposed? The first route is that, henceforth, it would suffice that you obtain a professional qualification, that is, that you qualify as a barrister either in England or Wales, or in Australia or New Zealand, or in Canada or France. The first question that arises is: why those countries specifically? The Minister has not explained. To broaden is positive in itself. To say that we should not consider only England and Wales, but open up to Mauritians trained in other countries, fair enough! But why only England and Wales, certain select, should I say, countries of the Commonwealth, and then France? Why simply those countries and not others? This has not been explained. It appears to be arbitrary. I ask myself why. Somebody even commented to me: ‘why it is just the white Commonwealth?’ I am just raising the question. Why those countries and not others? Along that route, the person then comes to Mauritius. He might do his pupillage abroad. If he does his pupillage in Mauritius, then, during the course of his pupillage, he follows a course of training offered by the Institute and, without an examination, he then is accepted, is enrolled as a barrister.

I do not believe that one should, at this point in time, impose an examination on each and every barrister coming from abroad, because if you do that right now, under the present system, you will end up with one out of 40; it will compound injustice. Hon. Uteem was perfectly right to raise the issue, because when you consider the Mackay Report, it does not say how, what vocational training should be offered. But what it has to say at paragraph 12.2 is that -

‘We consider that a candidate for admission to the legal profession in Mauritius should have a reasonable level of knowledge of the laws of Mauritius and an intellectual ability which will enable that knowledge to be effectively used, but we also have to bear in mind the practical aspects of legal service(...).’

That is an open question for the future. As things stand now, with an examination system that is upside down, that is inhuman, that is unpedagogical, that is irresponsible, there can be no question of imposing that very same examination on all barristers returning from overseas. But, if and when - and I don't believe this Bill addresses the issue - that examination system is properly reviewed and restructured, the issue of how do we ensure that all barristers before they practise in Mauritius are fully competent, knowledgeable in terms of Mauritian laws, is a relevant issue rightly raised by hon. Uteem. But far from us, perish the thought, we are not saying that today this improper examination system should be imposed on everybody. Now, this is the first route to become a barrister and we raise issues which have not been addressed by the Government.

The second route now, Mr Speaker, Sir, is for those who obtain a law degree first and then come to Mauritius for their Vocational Course. Now, the law degree is much broader, the University of Mauritius or U.K or a tertiary education institution in Mauritius, in the U.S, in another Commonwealth country, several law States approved by the Council, then the Vocational Course and then the pupillage. But then I ask myself why this difference between the countries for recognition of the law degree and for a professional qualification.

Now, let me take a few examples. For the professional qualification we say England and Wales, Australia, New Zealand, Canada or France. Why not other countries of the Commonwealth? Why not India? The Minister referred to my Pupil Master, Sir Madan Gujadhur Q.C who had a distinguished career as a Barrister in India. Why not Singapore? Why not Malaysia? Why not Hong Kong? These are countries which are up and common in the world of education and reach a track of good number of Mauritian students. If we are considering France, why not South Africa? These issues have not been addressed. Whereas

we agree with the idea of broadening the number of countries where our compatriots can train, whereas we agree for the law degree that you should have a very broad definition, at least, I think the Minister owes us some explanations of the criteria to be coherent, of the criteria which dictate that we should have those countries rather than not. The Minister should explain this issue of the pupillage with no assessment. I am not talking about an examination which explained why on this first issue of how one qualifies as a barrister. We, in the Opposition, have serious reservations. There is no apparent coherence, there is no clarity; we fail to understand why it is as proposed.

The second issue is vocational training locally. Which training, where and imparted by whom? Let me just quickly recap because, Mr Speaker, Sir, I must say it has been very difficult for me to understand what is being proposed. Apparently, we will now have a Council; the CLE becomes the CVLE, Council for Vocational and Legal Education. Chairperson, Registrar, Solicitor General or representative, DPP representative, University of Mauritius representative, three practitioners and three other persons plus, I suppose, the secretary as ex-officio. No problem! That is the proposed composition of the Council. It is set up for two years. What does it do? It has very broad powers. It grants authorisation to run vocational courses, including accreditation of institutions that shall do so and for that purpose it can make enquiries, it can check the syllabus, it can even supervise the running of courses. And I ask myself: who is going to do that, when one considers that the Tertiary Education Commission, with all its staff, with all its experience, has been unable to systematically carry out quality orders of Tertiary Education Institutions in this land? How will this Council, with one secretary, and I don't know what staff, with what training, with what experience, how will it make enquiries, vet the syllabus and supervise the running of courses. And, Mr

Speaker, Sir, what is very dangerous is that in this amendment - I don't know whether you have noticed - the Tertiary Education Commission for all its failures, at least, it has the staff and experience, is excluded altogether from the picture. I am given to understand that it will be a funding vehicle, the Council may be funded through the budget of the Ministry of Higher Education and the Tertiary Education Commission, but the Tertiary Education Commission will have nothing to say, nothing to do with this. What about quality assurance? The Council will supervise courses, will approve examinations and it sets up a Vocational Examination Board. I won't go into the composition except to say that this Board will have three representatives of accredited persons, two representatives of the Council, one of the University of Mauritius Law Faculty, two external examiners, that is, five, and then three out of eight members of the Vocational Examination Board will be representatives of the accredited persons who will organise and conduct vocational examinations on behalf of the Council. Was it hon. Uteem who raised the point? How many providers do we need in Mauritius? We have 40 barristers undergoing training in one year.

Let us, for an instant, believe in the glamorous projections of Minister Jeetah and instead of 40 we have 80. How many providers do you need? The Minister, in an aside, stated that in England there were 10 providers for a population of 50 million or 40 million or 60 million. We are hardly more than one million. Ten providers for how many barristers? 3,000 or 4,000! We are what? 350 barristers! What is the logic? According to the composition of this Vocational Examination Board we will have the University of Mauritius plus three providers, as a minimum four providers. England has 10. Where is the logic? You know, Mr Speaker, Sir, this smacks of a very dangerous philosophy that has guided the expansion of higher education in this country since the year 2005. Before 2005, our approach was to be very cautious. First, determine the demand, then go out like Singapore

did, go and get the best institutions from abroad. Unfortunately, in 2005, the approach was changed; it was an open door policy. It was the market principle guiding the expansion of higher education. Anybody comes in, sets up shop, if he fails, then he goes away. There is a huge risk of damage to the reputation of this country and a huge risk for students who would go to any Tom, Dick and Harry for training.

This is the fundamental objection. The second objection of the Opposition to this Bill is the issue of quality. We do not agree that for a country of the size of Mauritius, with 40 students taking the Bar exams will not afford to the Law Society exams that you should have four or more providers. Our proposal is simple, it is direct, it is clear. Let the University of Mauritius do the job. The Minister himself gave us a list of four or five reputable foreign institutions that are interested in partnering with the University of Mauritius. He did not mention who else on the outside would purport to provide vocational training. If there is none, why on the Board do they provide for three representatives of accredited persons? Our suggestion in the interest of quality is very simple, it is clear, it is direct. It should be the University of Mauritius and only the University of Mauritius that has produced many fine barristers and attorneys and notaries in this country by providing a first degree in law. It should only be the University of Mauritius and then, with time, we will consider, if the need arises, if we can guarantee quality, other institutions. But not an open door policy to any Tom, Dick and Harry and I know, Mr Speaker, that under the guise of democratisation how easy it is *pour les petits copains* ...

(Interruptions)

...to come in as players, as providers of training.

(Interruptions)

Non, je dis ce que nous croyons. Quand nous parlons de la formation professionnelle pour nos juristes, la première des considérations devrait être celle de la qualité, de l'intégrité, et non pas sous le couvert de la démocratisation de permettre à tout un chacun de devenir prestataire alors que le marché mauricien ne le justifie pas.

(Interruptions)

Mais par rapport à cette question de formation et d'examens, M. le président, je voudrais aussi faire remarquer que les problèmes fondamentaux qui font que les examens actuels sont le drame qu'ils sont ne sont pas abordés.

Par exemple, this disconnect between those who prepare the syllabus, those who teach the syllabus, the lecturers, those who set the papers and those who correct the papers is the fundamental problem that we have now. Under this new architecture that is proposed with the Council, the Board and a number of accredited persons, there is absolutely no guarantee that the problem will be addressed and the Minister has not mentioned it.

Donc, si le fond du problème c'est qu'il faut d'urgence trouver une solution pour les étudiants qui concourent à Maurice pour devenir avocat ou avoué, eh bien, ce n'est pas ce que propose ce projet de loi qui nous apportera une solution.

The third point, Mr Deputy Speaker, Sir, *c'est la cacophonie institutionnelle*. When we debated the Institute of Judicial and Legal Studies, we made the point very forcefully. We made the point that the Mackay Report never called for the increase in institutions. We made the point that the Mackay Report referred to the need to use resources economically. And we made the point. Hon. Baloomoody,

hon. Uteem spoke and the Deputy Speaker spoke and we made the point that in a situation where we already have the Council which is why we do not oppose the proposal to make of it a Council for vocational and legal education, if that is what Government wants. We already have a well-established, respected law faculty at the University of Mauritius, we already have a Law Reform Commission, we have the Bar Association and we have the Law Society. How many more institutions need to be created? We believe that this constant increase in institution building does not help; it does not simplify matters and will only add to the confusion, the overlapping and, at the end of the day, will not do in terms of cost efficiency or in terms of effectiveness in terms of the goals that we have in mind.

Our fourth and final point, Mr Deputy Speaker, Sir, is the lack of consultation. This is not a question of procedure. *Ce n'est pas une question de forme, c'est une question de fond.* On such an important Bill, if you take a long view of history recalling that the last Law Practitioners Act was voted in 1984 and that we are merely amending it today, if we understand the importance of this piece of legislation, we should leave no stone unturned to secure a consensus. As far as I am aware, the Bar Association has not come out with a statement saying that it has been consulted and agrees with the amendments. As far as I am aware, the Law Society, according to my friends who are attorneys, has not met, discussed, approved and come out with a public statement to say that it goes along. Has there been adequate consultation? The Opposition says: no. Political consultation! We have not been consulted on this new amendment circulated only Saturday. We have not been consulted. We would have been delighted to share ideas, to work together because we know what is the suffering of these students out there who year after year fail that examination through no fault of their own. That is why, Mr Deputy Speaker, Sir, we have made a proposal. I could be negative about this

whole affair and say this Government with a majority of 35 *et deux transfuges* cannot legitimately force through such a Bill.

(Interruptions)

I could have said, I am not saying it...

(Interruptions)

I could have said that a Government...

(Interruptions)

...that an alliance which obtained 50 percent of votes, that has lost its second most important component, cannot legitimately force through such a Bill. But I am not saying that. What I am saying is that on such an issue, we should cast aside party politics and speak with one voice. The Opposition, on such an important issue, insists to be constructive and that is why we are telling the Government side: if they are sincere, if they mean what they say, if they really want to find a solution to the problems of these students, if they really want us together to make legal history and take our country forward, then agree to what we are saying: a commission. It can be a one person commission; it can be a two-person commission. It can take one week. They can, in setting down the terms of reference, request a report in one week, two weeks or three weeks. They can! We even suggested former Justice Lallah who has experience in these matters, to do that and we can then speak with one voice and we can then take our country forward and make legal history.

Thank you, Sir.

(7.08 p.m)

Mr Varma: Mr Deputy Speaker, Sir, I would like to thank all hon. Members who have intervened on the Bill and particularly congratulate Ministers Pillay Chedumbrum and Mohamed for their brilliant interventions.

Mr Deputy Speaker, Sir, I have heard the three orators from the Opposition and all three of them have spoken about consultation. Mr Deputy Speaker, Sir, the hon. third Member for GRNW and Port Louis West put a Parliamentary Question in November last year - this was referred to by hon. Mohamed - and in reply to that Parliamentary Question, Mr Deputy Speaker, Sir, I said and I quote –

“If the hon. Members of the Opposition want to have their input, they are most welcome because this is a matter of national interest and above party politics. They are most welcome to come over. Let’s discuss and let’s go ahead as soon as possible.”

I said that in reply to a Parliamentary Question in November 2010, Mr Deputy Speaker, Sir. Did any hon. Member of the Opposition get in touch with me or my office to make suggestions? Never, Mr Deputy Speaker, Sir! Not one suggestion has been made!

(Interruptions)

Mr Deputy Speaker, Sir, the Law Practitioners (Amendment) Bill was introduced in the National Assembly in May of this year. It was read for a first time. Did the hon. Members of the Opposition get in touch with me or my office to make representations? Representations were received, Mr Deputy Speaker, Sir from the Judiciary, the Bar Council, the Law Society, the Chamber of Notaries, the University of Mauritius, the Law students, all of them made representations, although they were consulted prior to the preparation of the Bill. Nevertheless, Mr Deputy Speaker, Sir, when these representations were received, we made

arrangements for these representations, if valid, to be taken on board in the finalisation of this Bill.

Mr Deputy Speaker, Sir, I cannot recall how many meetings I have held with the representatives of the Bar Council. I cannot recall how many times, the Chairperson of the Bar Council has come to my office to make representations. Mr Deputy Speaker, Sir, when the Bill was introduced for the first time in the August Assembly, the Chairperson of the Bar Council got in touch with me. He came to my office and he made representations. I can tell you frankly, Mr Deputy Speaker, Sir, that most of the suggestions made by the Chairperson of the Bar Council have been taken on board.

Mr Deputy Speaker, Sir, the Chief Justice wanted to have consultations with me regarding the Law Practitioners (Amendment) Bill. We have had so many meetings. Again, all the suggestions which were raised, were taken on board, and we even received a letter from the hon. Chief Justice to tell us to go ahead with the reforms. The number of times we have held consultations with the Law Society. The Chairperson and the members of the Law Society have been consulted and they have made their suggestions, which have been taken on board.

Mr Deputy Speaker, Sir, the hon. third Member for GRNW & Port Louis West stated that the Bar Council was invited, but the Chairman of the Bar Council is abroad and I am the vice-Chairperson of the Bar Council. The representatives of the Law Society are here. Why? They are here to assist the debate. They are not here to support every Tom, Dick and Harry. They are here to witness the debates of the Law Practitioners (Amendment) Bill. Mr Deputy Speaker, Sir, I need to make a point. The Chamber of the Notaries were invited and we made arrangements but, unfortunately, they could not get access to the National Assembly today and this is a matter which I want to take up with the Speaker of

the National Assembly and which is very serious. We made arrangements for them to be present, but they could not have access.

This Bill has been debated in a number of forums. All the stakeholders have been consulted, not once, not twice, but on a number of occasions. The hon. third Member for GRNW & Port Louis West referred to the Committee which was set up in 1982. The Committee which was set up in 1982 was to put forward the Council of Legal Education. Are we in the same situation today, Mr Deputy Speaker, Sir? We are not in the same situation because we have got an institution which we need to review the functioning. We need to modernise our legal system. Mr Deputy Speaker, Sir, let us not lose focus of this Bill. What does the Bill primarily want to achieve?

First of all, Mr Deputy Speaker, Sir, a groundbreaking decision has been taken by Government to introduce compulsory judicial training for someone who aspires to become a Magistrate or a Judge. Never before have we had such a decision. They were in Government for many years. Mr Deputy Speaker, Sir, I have tried to get hold of a Parliamentary Question or of any debate which was held in the National Assembly from 2000 to 2005 as regards the reform of the courses being held by the Council of Legal Education, but I could find none. It is now when this Government has taken the initiative, it is now when the Government has taken the decision to go ahead and reform the courses that they are criticising.

(Interruptions)

Mr Deputy Speaker, Sir, one more thing, in so many jurisdictions ...

(Interruptions)

The Deputy Speaker: Order!

Mr Varma: ... they have introduced continuous provisional development. This Bill, Mr Deputy Speaker, Sir, ...

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Order please! Order! Hon. Bhagwan, please!

(Interruptions)

Order! Order please!

(Interruptions)

Order! Hon. Bhagwan!

(Interruptions)

Order! Order please!

(Interruptions)

Order! Hon. Bhagwan! Hon. Bhagwan, please!

(Interruptions)

Hon. Attorney General, you may continue now.

(Interruptions)

Order!

(Interruptions)

Hon. Members, I will have to take action in case silence is not restored in the House. I know it's time for dinner, bear with us for a few minutes! I now invite the hon. Attorney General to resume.

(Interruptions)

Mr Varma: Mr Deputy Speaker, Sir, what I was saying is that we should not lose focus of this Bill. In many jurisdictions, they have introduced continuous professional development and this is what we are precisely doing with this piece of legislation. As you know, in countries like the United Kingdom, it is compulsory to follow CPD, and this is what we are doing with this piece of legislation.

As far as pupillage is concerned, ...

(Interruptions)

The Deputy Speaker: Order now!

Mr Varma: ... we all know what is the situation now. What happens? You know, Mr X and you go and do pupillage with him or her and then there is no infrastructure. Sometimes the pupils do not even have an office, they just go to the court and listen to the court proceedings. What we are doing precisely with this piece of legislation, Mr Deputy Speaker, Sir, is that we are reforming the system of pupillage. The Council for Vocational Legal Education will be entrusted with the duty to designate the pupil master. There will be duties imposed on the pupil master. They will need to make a report which is sent to the Council for Vocational Legal Education. This is what is being achieved with this piece of legislation.

Mr Deputy Speaker, Sir, one more important thing. How many representations have been made to the effect that we should allow barristers qualified in other countries to come and practise in Mauritius?

We did make provision in the Bill for barristers to be qualified in other commonwealth jurisdictions as be prescribed to be able to practise. They have been speaking over the Bar Council over and over again and I know why. It is because there is a member of the Bar Council who is a member of the *politburo* of the MMM! This is how the information gets there. But do the hon. Members of the Opposition know about the consultations which we have held with the Chairman of the Bar Council, with the Judiciary? Do they know it, Mr Deputy Speaker, Sir? I can mention a number of amendments which the Bar Council has suggested and which we have incorporated in this piece of legislation.

Mr Deputy Speaker, Sir, as far as the law degree is concerned, the hon. third Member for Curepipe and Midlands stated why is there a difference between the law degree and the professional qualification, but does he know the representations which the Bar Council has made? He does not know! Why have so many amendments been brought before the House today? This is because of further suggestions which have been made by different stakeholders, Mr Deputy Speaker, Sir. The way the examinations are conducted, the courses run by the Council of Legal Education and what is being proposed have been lengthily debated by the Members of the Opposition.

Mr Deputy Speaker, Sir, what are we doing now? When I was qualified I came back to Mauritius and I made it a duty to attend the courses being offered by the Council of Legal Education. Mr Deputy Speaker, Sir, you know what is the situation now. You have taught at the Council of the Legal Education and you know what the situation is. Students are called upon to attend courses in the morning. Very often, they come down to Port Louis and courses are postponed. They have to spend the whole day in Port Louis waiting for the next lecture at three o'clock and, sometimes, Mr Deputy Speaker, Sir, when they get to the lecture room at three o'clock, the lecture is again postponed. How many representations have we received to that effect? I can recall, Mr Deputy Speaker, Sir, when I assumed office as Attorney General, that many students came to meet me. I even recalled a lady who had taken examinations on four occasions, but could not get through. She was so depressed, Mr Deputy Speaker, Sir, and she wanted a solution to the problem. Mr Deputy Speaker, Sir, have you ever heard of a professional course being conducted without tutorials, without manuals, without a proper classroom, without a library? Mr Deputy Speaker, Sir, have you ever heard of a professional course which is simply repeating everything which we have done

during your law degree? This is what is happening now, Mr Deputy Speaker, Sir, and what we are trying to cure is this particular problem. Now we are suggesting that this course be conducted by the University of Mauritius. The University of Mauritius has already agreed, Mr Deputy Speaker, Sir, to run that particular course. They are already in contact with universities abroad to be able to prepare the course so that when these students go through the course they get the proper infrastructure. It has even been suggested that a mock court room be set up for proper development of the skill that you need to practise as a barrister. Look at the subjects, Mr Deputy Speaker, Sir, which we are prescribing - advocacy, conferencing, opinion writing, drafting, criminal litigation, civil procedure, criminal procedure, evidence, and ethics. These are the subjects which we are prescribing to be taught. We want this course to be a professional course. This is the aim of Government. There have been concerns raised by hon. Members of the Opposition as regards the accredited persons. Maybe rightly so, Mr Deputy Speaker, Sir, there is a fear that there might be a mushrooming of institutions, but we rest assured and for that I disagree with the hon. Third Member for Curepipe and Midlands. There is no attempt at *'petit copinage'*. I have stated it when I replied to the Parliamentary Question in November last year and I reiterate this is a matter that should be above party politics.

Mr Deputy Speaker, Sir, the Council for Vocational Legal Education will decide whether it has to give authorisation to other accredited persons or not. If the Council for Vocational Legal Education is satisfied that it is only the University of Mauritius that should run the course then so be it. We have not put in the composition of the Vocational Examinations Board a quorum. It can start functioning without any accredited person and even if there is only one accredited

person, there can be three persons who represent that accredited person on the Vocational Examinations Board.

Mr Deputy Speaker, Sir, there was a point raised by the Second Member for Port Louis South and Port Central as to whether the course will start New Year. Mr Deputy Speaker, Sir, we want to move fast, but we have made provision in the Bill that different sections may be proclaimed at different times. Of course, we have to wait whether the University is ready to run the course, it will be in the law now. We have had consultations, they are going ahead with the preparation for the setting up of the centre for professional legal studies. I don't want to be nasty, but the hon. Second Member for Port Louis South and Port Louis Central did not make any suggestion on the New York Bar. We spoke about another matter which is not proper for me to state in this House.

Mr Deputy Speaker, Sir, I was a bit confused about the different stands taken by the hon. Second Member for Port Louis South and Port Louis Central and the hon. Third Member for Curepipe and Midland as regards the organisation of whether aspiring barristers will have to take an examination to be able to practise at the Bar in Mauritius. We are of the view that they should not; in fact, they should be given an induction course to the Mauritian Legal System and this will be catered for by the Institute for Judicial and Legal Studies.

Mr Deputy Speaker, Sir, the hon. Third Member for Grand River North West and Port Louis West raised the issue about the '*Ecole de la Magistrature*'. Hon. Minister Mohamed clearly stated 'What's in a name'. The Institute for Judicial and Legal Studies has been set up precisely to cater for judicial training, for continuous professional development of Law Practitioners and to run courses

for persons who have been qualified in other jurisdictions to follow that induction course.

Mr Deputy Speaker, Sir, as regards another point which was raised by the Opposition as to whether the Attorney General will have *mainmise* on the Council, one point which I have to make is that the Council for Vocational Legal Education is only replacing the Council of Legal Education and not anything else. Of course, the functions have changed, but it is not another institution that is being set up.

Mr Deputy Speaker, Sir, it is unfortunate that during the preparation of the Bill, the Opposition did not deem it fit to make suggestions which I invited them to make and, of course, I have met hon. Members of this side of the Opposition, because the other side was in Government. We had discussions, Mr Deputy Speaker, Sir, when they were asking me why is it that the Bill is not being debated, I told them frankly that we are receiving representations and we will have to take decisions at the level of the Government and then come forward with amendments at Committee Stage. They were fully aware. and I even invited them again informally to make suggestions, but unfortunately, they did not make so, Mr Deputy Speaker, Sir and even when the Bill was introduced to date there were no suggestions.

Now, as regards the proposed amendments which were circulated on Saturday, Mr Deputy Speaker, Sir, my officers and myself, we stayed till late on Friday to finalise these amendments and I made it a must, Mr Deputy Speaker, Sir. I spoke to the Clerk of the National Assembly personally. I said that I want these proposed amendments to be sent to hon. Members together with the Order Paper. I made that suggestion, Mr Deputy Speaker, Sir, because we had the option that this could have been circulated on Monday. I said no, we will finalise it and we will

send it together with the Order Paper so that hon. Members of the Opposition get ample time to study the proposed amendments.

Mr Deputy Speaker, Sir, again, I would like to reiterate that we should not lose focus of the main objectives of the Bill. Mr Deputy Speaker, Sir, I think I have replied to all the main concerns raised by hon. Members and I again commend the Bill to the House.

Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE LAW PRACTITIONERS (AMENDMENT) BILL (No. X of 2011)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Section 2 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in clause 3, in subclause (e) –

- (i) in the definition of “law degree”, by deleting the words “full-time”;
- (ii) by deleting the definition of “professional qualification” and replacing it by the following definition –

“professional qualification” means an attestation, in such form as the Council may approve, to the effect that a person who holds a law degree has a qualification as, or equivalent to that of, barrister entitling him to practise in England and Wales, Australia, New Zealand, Canada or France;

(iii) by adding the following new definition –

“Vocational Examinations Board” means the Board set up under section 11B.”

Amendment agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Section 4 of principal Act repealed and replaced)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in clause 4, in the proposed section 4 (2)(a), by deleting subparagraphs (ii) and (iii) and replacing them by the following subparagraphs –

(ii) in the case of every other prospective barrister or every prospective attorney –

(A) been awarded a law degree;

(B) completed the vocational course in accordance with section 5; and

- (C) sat for and passed an examination conducted by the Vocational Examinations Board;
- (iii) in the case of a prospective notary –
 - (A) the qualifications referred to in subparagraph (ii);
 - (B) attained the age of 25 years; and
 - (C) been authorised by the Prime Minister, after consultation with the Attorney-General, to apply for admission; and”

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 (Section 5 of principal Act repealed and replaced)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in clause 5, in the proposed section 5 –

- (i) by deleting the words “section 4(2)(a)(iii)(B)” and replacing them by the words “section 4(2)(a)(ii)(B)”;
- (ii) in paragraph (a), by inserting, after the words “as may be approved by the Council”, the words “and conducted by an accredited person,”;
- (iii) by deleting paragraph (b) and replacing it by the following paragraph –

- (b) satisfied the Council of his proficiency in the subjects specified in the Second Schedule, following such oral and written examinations as the Vocational Examinations Board may conduct.”

Amendment agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (New section 5A inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in clause 6, in the proposed section 5A –

(i) in the proposed subsection (1) –

(A) by deleting paragraphs (a) and (b) and replacing them by the following paragraph –

- (a) The Council shall, after consultation with the Bar Council, the Mauritius Law Society Council or the Chamber of Notaries, as the case may be, for the purpose of determining whether a law practitioner is able to provide the required amenities and training to be a pupil master, draw up and keep under review a list of law practitioners of not less than 15 years’ standing, from each of the 3 branches of the profession, who may be pupil masters.

- (B) by relettering paragraph (c) as paragraph (b);
- (ii) by deleting the proposed subsection (2) and replacing it by the following subsection –

(2) Subject to subsections (4), (5) and (6), pupillage shall, for the purposes of sections 4 and 21(4), consist –

(a) in the case of a prospective barrister –

(i) who qualified in Mauritius, of attachment to –

(A) the chambers of a barrister for 9 months; or

(B) the chambers of a barrister for 3 months and a barrister in a law firm for 6 months,

and the office of an attorney for 3 months;
or

(ii) who qualified as such in England and Wales, Australia, New Zealand, Canada or France –

(A) of attachment for a period of not less than 12 months to the chambers of a barrister of not less than 15 years' standing in the State in which he qualified;
or

- (B) of attachment for an aggregate period of not less than 9 months to the chambers of one or more barrister of not less than 15 years' standing in Mauritius, England and Wales, Australia, New Zealand, Canada or France, and of attachment for a consecutive period of not less than 3 months to the office of an attorney in Mauritius;
- (b) in the case of a prospective attorney, of articleship in, or attachment to, the office of an attorney in Mauritius, or to an attorney in a law firm in Mauritius, for 12 months; and
- (c) in the case of a prospective notary, of articleship in, or attachment to, the office of a notary in Mauritius for 24 months,

under the supervision of a pupil master designated by the Council with the consent of the pupil master and the pupil, where pupillage is undergone in Mauritius, and a pupil master proposed by the pupil and approved by the Council, where pupillage is undergone outside Mauritius.

(iii) by deleting the proposed subsection (6) and replacing it by the following subsection –

- (6) (a) Every prospective barrister who holds a professional qualification and who undergoes pupillage in

Mauritius shall, during his period of pupillage, follow, to the satisfaction of the Council, a course of training conducted by the Institute in such subjects as may, in the Council's opinion, be necessary to enable him to practise in Mauritius.

(b) Where a prospective barrister who holds a professional qualification undergoes pupillage in England and Wales, Australia, New Zealand, Canada or France, the course of training referred to in paragraph (a) shall be followed before he takes the oath of office to be admitted to practise law in Mauritius.

(c) A person referred to in paragraph (a) or (b) shall not be required to sit for any examination.”

Amendment agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Section 9A of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in clause 8, in subclause (c), by deleting the proposed new section 9(A)(2) and replacing it by the following new section 9(A)(2) –

(2) No barrister or attorney shall be appointed pursuant to subsection (1) unless he is, and has been, a barrister or an attorney of not less than 15 years' standing."

Amendment agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (New sections 9B and 9C inserted in principal Act)

Motion made and question proposed: "that the clause stand part of the Bill".

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 9 –

(i) in the proposed new clause 9B, by deleting subclause (3) and replacing it by the following subclause –

(3) Every law practitioner and legal officer shall, in every year, participate in a Continuing Professional Development Programme for the prescribed number of hours unless he is excused by the Chief Justice for reasons such as age or ill health.

(ii) in the proposed new clause 9C, in subclause (1), by adding, after the words “subsection (2)”, the words “, which shall be approved by the Judicial and Legal Service Commission”.”

Amendment agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10 (Section 10 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“by deleting clause 10 and replacing it by the following clause –

10. Section 10 of principal Act amended

Section 10 of the principal Act is amended by –

(a) repealing subsection (3) and replacing it by the following subsection –

(3) The Supreme Court –

(a) may, on its own motion or an application by the person concerned, and after making such enquiry as it thinks fit –

(i) amend an entry on the Roll;

(ii) remove the name of a person from the Roll following an order made under section 14 or where the person has ceased to be a member of a body referred to in section 3(1)(b);

- (b) may cause the name of a person which has been removed from the Roll to be restored on the Roll.

- (b) adding the following new subsection –
 - (4) The Supreme Court shall, for the purposes of this Act, keep a list of –
 - (a) barristers in private practice;
 - (b) legal officers;
 - (c) law firms and law practitioners employed by them;
 - (d) law practitioners in employment; and
 - (e) legal consultants.”

Amendment agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 (Section 11 of principal Act repealed and replaced)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 11, in the proposed section 11 –

- (a) in subsection (2)(a), by adding, after the words “Attorney-General”, the words “and such other persons as he may deem fit”;

- (ii) in subsection (3)(a)(ii), by deleting the words “after consultation with” and replacing them by the words “on the recommendation of”;

Amendment agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12 (New section 11A inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“by deleting clause 12 and replacing it by the following clause –

12. New sections 11A and 11B inserted in principal Act

The principal Act is amended by inserting, after section 11, the following new sections –

11A. Secretariat of Council

(1) The Council shall, on such terms and conditions as it may determine, appoint a Secretary to the Council.

(2) (a) There shall be such public officers designated by the Registrar as may, in the opinion of the Council, be necessary to assist the Secretary.

(b) Every person referred to in paragraph (a) shall be under the administrative control of the Secretary.

(3) The Secretary shall –

- (a) be the chief executive officer of the Council;
- (b) act in accordance with such directions as he may receive from the Chairperson; and
- (c) ensure that assistance and guidance are available to law students at all reasonable times.

(4) Service of process on or on behalf of the Secretary shall be deemed to be service on or by the Council.

(5) The Council may pay to a person referred to in subsection (2) such allowance as it thinks fit.

11B. Vocational Examinations Board

(1) The Council shall every year set up a Vocational Examinations Board for the purpose of organising and conducting the vocational examinations on behalf of the Council.

(2) The Vocational Examinations Board shall consist of –

- (a) 2 representatives of the Council;
- (b) a member of the Faculty of Law of the University of Mauritius;
- (c) not more than 3 representatives of accredited persons other than the University of Mauritius;

- (d) 2 examiners from foreign recognised institutions.”

Amendment agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13 (Section 12 of principal Act repealed and replaced)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 13, in the proposed section 12 –

- (i) by deleting paragraph (b) and replacing it by the following paragraph –
 - (b) supervise vocational courses and organise, through the Vocational Examinations Board, oral or written examinations for prospective law practitioners;
- (ii) in paragraph (c), by deleting the words “law firms, and of law practitioners of not less than 15 years’ standing, which or” and replacing them by the words “law practitioners of not less than 15 years’ standing”;

Amendment agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Clause 14 (New section 12A inserted in principal Act)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 14, in the proposed new clause 12A, in subclause (7)(b), by deleting the words “or the holding of examinations”;

Amendment agreed to.

Clause 14, as amended, ordered to stand part of the Bill.

Clause 15 (Section 21 of principal Act amended)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 15, in the proposed new section 21(4)(a), by inserting, after the words “6 months of pupillage may”, the words “, in the presence of his pupil master, ”;

Amendment agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clauses 16 to 19 ordered to stand part of the Bill.

Clause 20 (Transitional provision and savings)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“in clause 20 (2), by deleting the words “shall, the commencement of this Act” and replacing them by the following words “before the commencement of this Act shall, at the commencement of this Act”;

Amendment agreed to.

Clause 20, as amended, ordered to stand part of the Bill.

Clause 21 (Commencement)

Motion made and question proposed: “that the clause stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that –

“by deleting clause 21 and replacing it by the following clause –

21. Commencement

(1) Subject to subsection (2), this Act shall come into operation on a date to be fixed by Proclamation.

(2) Different dates may be fixed for the coming into operation of different sections of this Act.”

Amendment agreed to.

Clause 21, as amended, ordered to stand part of the Bill.

The First Schedule ordered to stand part of the Bill.

The Second Schedule (as proposed)

Motion made and question proposed: “that the Second Schedule stand part of the Bill”.

Mr Varma: Mr Chairperson, I move in terms of the amendment circulated that -

“in the Schedule, in the proposed new Second Schedule –

(i) in Part II –

(A) by deleting the following subject –

Dispute resolution

(B) by inserting, after the subject “Civil Procedure”, the following subject –

Commercial and business law

(C) by adding the following subject –

Family law

(ii) in Part III, by inserting, after the subject “*Rédaction des actes*”, the following subject –

Responsabilité notariale”

Amendment agreed to.

The Second Schedule (as amended) ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with the Deputy Speaker in the Chair, the Deputy Speaker reported accordingly.

Third Reading

On motion made and seconded, the Law Practitioners (Amendment) Bill (No. X of 2011) was read the third time and passed.

The Deputy Speaker: I shall now suspend the sitting for one hour and fifteen minutes for dinner.

At 7.39 p.m. the sitting was suspended.

On resuming at 9.00 p.m with Mr Speaker in the Chair.

Second Reading

THE LIMITED PARTNERSHIPS BILL

(NO. XX OF 2011)

Order for Second Reading read.

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, I move that the Limited Partnerships Bill (No. XX of 2011) be read a second time.

In order to promote the continued development of Mauritius as an international financial centre and to diversify our product base, it is imperative for us to continually update our legislation.

Limited Partnership legislation exists in most of the jurisdictions of our competitors, and there have been a number of calls from local professionals for the introduction of such legislation to broaden the range of financial products available in Mauritius.

The introduction of the Limited Partnerships Bill was mentioned in the Address made by the President of the Republic for the Government Programme

2010-2015. The introduction of the Bill has also been mentioned on several occasions in the past. In fact, I would recollect that the proposal to introduce such legislation was first mentioned as far back as the 1990s.

Here I would like to thank my predecessor for having done the necessary to get the Bill finalised and presented for first reading in the National Assembly.

This Bill has been the subject of a series of consultations with various stakeholders, namely the Financial Services Commission, Management Companies, the Global Institutional Investors Forum, the Registrar of Companies, the Mauritius Revenue Authority and the Board of Investment.

The Limited Partnership legislation delivers a legal structure, under which high net worth individuals and institutions are able to invest funds as limited partners, leaving the deployment and management of those funds to the general partners. Such an arrangement is useful to those investors who seek to avoid the hassle of managing business operations, whilst at the same time being mainly concerned with the return on their investment.

For Mauritius, however, as for any other international financial centre, this new structure affords an opportunity for global funds to be structured as limited partnerships. It will enable Mauritius to progress further in providing a globally recognised, modern and efficient framework for investment.

A limited partnership blends the advantages of a partnership with those of a limited company. It gives its owners the flexibility of operating as a partnership, while also having the option of existing as separate legal persons. This type of entity is, therefore, also highly suitable for individuals engaged in professional services such as lawyers, architects, accountants and management consultants. The limited partnership may also be a useful vehicle for investors who do not wish

to take an active role in the management of the entity, in the case of equity funds for instance.

In a limited partnership, there are limited partners as well as general partners. The general partners are partners who invest capital, manage the business, and are personally liable for partnership debts, whilst limited partners are partners who also invest capital, but do not participate in management and are not personally liable for partnership debts beyond their own capital contributions. The general partners are, in all major respects, in the same legal position as partners in a conventional firm, that is, they have management control, share the right to partnership property, share the profits of the firm in predefined proportions, and have a joint and several liability for the debts of the partnership. General partners control the company's day-to-day operations and take on the legal debts and obligations of the business.

Limited partnerships have become an increasingly popular choice for businesses, especially those involved in real estate or other investment ventures. The main reason is that, unlike general partnerships, limited partnerships (as the name suggests) have the ability to limit both the liability risk and the business involvement of certain partners known as "limited partners." This feature is particularly useful for attracting investment partners who would like to participate in the profits of the company but not necessarily its risks or daily operations. In addition to companies, Trusts and *sociétés*, which our laws already provide for, limited partnerships will be another vehicle being made available for doing businesses in Mauritius.

In the United States, limited partnerships are most common amongst law and accounting firms, film production companies, finance firms and real estate investment projects or in types of businesses that focus on a single or limited-term

projects. Private equity companies almost exclusively use a combination of general and limited partners for their investment funds.

The main features of the Limited Partnerships Bill are as follows -

- A limited partnership may be formed in Mauritius to carry on any business within Mauritius or elsewhere.
- The partnership may elect to have legal personality such that it has unlimited capacity and can sue or may be sued in its own name.
- Limited partnerships shall consist of one or more general partners and one or more limited partners.
- General partners shall be jointly and severally liable for all debts of the limited partnership without limitation.
- A partnership agreement may provide that liability of limited partners may be limited to the amount so contributed or agreed to be contributed.
- An individual, a body corporate or an unincorporated body, formed or registered with or without liability in Mauritius or elsewhere, including any Trust, *société* or partnership or any other body of persons may become either a limited or a general partner.
- A general partner may or may not be resident or incorporated in Mauritius. If that is the case, a registered agent must be appointed.
- Limited partnerships must have a partnership agreement.
- Subject to the partnership agreement, the Registrar of Companies of limited partnerships holding a Global Business Licence may only be

inspected by an officer, Management Company or registered agent of that limited partnership.

- A person may be a general partner and also a limited partner at the same time in the same limited partnership.
- Limited partners cannot participate in the management or conduct of business of limited partnership or execute documents on behalf of the limited partnership.
- Partnership property shall be held by the limited partnership itself where it has legal personality or by the general partner where this is not the case.
- Records, including accounting records, must be kept at the registered office address of the partnership.
- A limited partnership, other than a small limited partnership, shall file its financial statements with the Registrar.
- However, a limited partnership holding a Global Business Licence shall file its financial statements only with the Financial Services Commission.
- The partnership agreement may provide the conditions upon which the limited partnership shall continue after the death of a general partner, subject to the provisions of the Act.
- A foreign limited partnership may apply to the Registrar to be registered as, and continue as, a limited partnership in Mauritius.

- Similarly, a limited partnership may be removed from the register for the purposes of becoming registered under the law in force, or any part of another country.
- The limited partnership is not generally a taxable entity. Its partners are liable to tax on their share of income.

Mr Speaker, Sir, I shall now briefly explain the contents of the Limited Partnerships Bill.

- Part II of the Bill deals with the Registrar of Limited Partnerships and the powers of the Registrar. The Registrar of Companies shall be the Registrar of Limited Partnerships.
- Part III deals with the formation or constitution of Limited Partnerships. Under the Limited Partnerships Bill, general partners have the option of constituting a limited partnership either as a separate legal person or a limited partnership without legal personality.
- Parts IV and V relate to the registration and administration of the limited partnerships, and the general provisions of the partners.
- Part VI provides for the type and form of records to be kept, the appointment of auditors, financial statements and filing of annual returns.
- The process for the dissolution of limited partnership is provided under Part VII.

- Under Part VIII, provision is made for a foreign limited partnership to apply to the Registrar to be registered as, and continue as, a limited partnership in Mauritius.

The civil law vehicle, namely the “*Société en Commandite Simple*” shares some of the characteristics of the limited partnership.

However, the Limited Partnership legislation will not prevail upon the Civil Law concept “*Société en Commandité Simple*”, but provide an alternate vehicle to investors.

The provisions of this Bill shall not apply to a *Société* formed under *Titre Neuvième of Livre Troisième* of the *Code Civil Mauricien* and *Titre Troisième of Livre Premier* of the *Code de Commerce*.

Similarly, the provisions of *Titre Neuvième of Livre Troisième of the Code Civil Mauricien* and the provisions of *Titre Troisième of Livre Premier* of the *Code de Commerce* shall not apply to a Limited Partnership registered under this Bill.

As regards taxation of the Limited Partnerships, provisions are being made for a Limited Partnership to be considered for tax purposes as a “*Société*”.

(Interruptions)

Mr Speaker: Can I ask for some order in this House, please?

Mr Duval: It is very technical, Mr Speaker, Sir. Consequential amendments to the definition of “*Société*” are being proposed to the Income Tax Act, accordingly.

(Interruptions)

Mr Speaker: I said, can I ask for some order in this House, please?

Mr Duval: A resident *Société* is not taxed, but the associates of the *société* are taxed on their respective share of income from that *société*. A Non resident *société* is taxed as if it is a company. A *société* holding a Global Business category one licence from the Financial Services Commission may opt to be taxed as a company.

Mr Speaker, Sir, with these words, I commend the Limited Partnerships Bill to the House.

The Deputy Prime Minister rose and seconded.

(9.11 p.m.)

Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière): Mr Speaker, Sir, the Limited Partnerships Bill has taken a long time to come to the House and the Financial Services industry in Mauritius has been crying out for it since long and, in the meantime, a lot of alternative funds, private equity funds and hedge funds or real estate funds have found domicile in other jurisdictions and we have missed the wave of all these funds formation and administration for some time.

It is true that the idea of limited partnerships has been mentioned since a long time, but it is only since 2004 that the Bill was ready and, in the meantime, there have been four Finance Ministers and it is only now that it is introduced.

(Interruptions)

But, better late than never!

After the elaborate time consuming labours, we now have this long awaited baby, but it is just a broad framework to set the regulatory parameters for the establishment registration and operation of limited partnerships.

Limited partnerships definitely facilitate the development of fund services through this new vehicle of a limited partnership. However, to be fully operative, we need to have the regulations for the operation in place and also further tax amendments in order to give the necessary incentives for the limited partnerships to be sufficiently attractive to investors.

This Limited Partnerships Bill is a necessary condition, but is not a sufficient tool for boosting the financial services industry in the absence of the regulations that have been mentioned in the Bill but which are yet to be issued. But let's give the devil its due. This Bill does provide the legal framework, and it does allow for the structuring of new vehicles for attracting investment funds to be set up in Mauritius. It does encourage foreign direct investments especially private equity funds to be set up in Mauritius.

It also provides for the best practice internationally in the fields of international tax planning and fund services. It helps to bring in innovation, new products, new managerial and technical expertise and, hence, it further enhances the competitiveness of Mauritius as an international financial centre, but when we look at the main features of the Bill, we need also to ask what is the specific competitive edge that it has, because Limited Partnerships Acts exist all over the offshore industry. But why would the international funds business come to Mauritius and rather than those of the jurisdiction? Has a benchmarking been done to determine where Mauritius ranked in terms of attractiveness of a limited partnerships vehicle?

As we all know, the traditional domicile for international funds through limited partnerships vehicles has been the Cayman Islands for US investors and the Jersey Limited Partnerships for UK investors. We need to consider how these jurisdictions have been able to achieve such success because a small island like Cayman Island has over 6,000 funds with billions of dollars of investments while Mauritius has only offshore funds investing in India owing to the attractiveness of a double taxation treaty in India.

We need to consider promoting Mauritius now with this new limited partnerships vehicle for investment not only into India, but also into Africa because this is our niche market. For this to happen, the limited partnership is not enough because there is a need to be an expanding network of double taxation treaties with all the members of the SADC and with even further afield reaching Francophone and Anglophone African countries.

On top of this, the investment protection agreement should also be introduced in order to make our jurisdiction more attractive as a secure place for domiciling funds. So, what does this Bill offer which is having more advantageous than other jurisdictions. What are its main selling points? The main characteristics that are offered in this Bill for the vehicle of limited partnerships are as follows.

Firstly, there is the limited liability status. It has the ability to limit both the liability risk and the business involvement of certain partners. This feature of the Bill is useful for attracting investment partners who would like to participate in the profits but not in the risk, the management and the daily operations of the business.

The second feature is a separate legal entity, which allows it to be recognized in other jurisdiction. It allows limited partners to leave and to be replaced without dissolving the limited partnerships. Another characteristic of the

law is the flow through or the look through tax status of a limited partnership which gives it fiscal transparency because it provides for the profit to flow through to the partners to be taxed to in their hands rather than to be taxed at the level of the partnership.

As is well-known, the Limited Partnerships Bill provides for two classes of partners and therefore provides that flexibility for tax planning because you have the general partner who is jointly and severally liable for all debts and liabilities of a partnership and the limited partner who is not liable so long as he doesn't participate in the management. This dividing of roles and rights of a general partner and a limited partner provides an advantage over other business structures.

It allows the general partner to focus therefore their efforts on running the business.

The other feature of this Bill is its flexibility through the partnership agreement that allows the partners to structure their affairs in the way that best suits them. One further advantage of this limited partnership vehicle is that it ensures transparency and good governance since the partnership agreement ensures that all the powers, rights and obligations binding the partners are clear and approved.

The Bill does also provide safe harbors which are activities in which a limited partner may participate without being held to have been involved in the management of a limited partnership and thereby losing the limited liability status.

Of course, the Limited Partnership Bill provides for the registration of the limited partnership, of a foreign limited partnership which is doing business in Mauritius and provides also for registered agent for each limited partnership. But these

features of our Bill, though welcome and thoroughly thrashed out among the industry, there is need to be beefed up in order to offer further advantages.

May I, Mr Speaker, Sir, be allowed to bring in a few suggestions to the various paragraphs of the Bill? If we look at the types of limited partnership under paragraph 1, it says that the limited partnership may be formed in Mauritius to carry on any lawful business within Mauritius or elsewhere. This choice of conducting the business in Mauritius or elsewhere is still a relic of the past where we have a dichotomy between local business and offshore business. I think in order to give that additional advantage to Mauritius and that substance in the activities of financial services, it is better to talk of conducting business in Mauritius and overseas, because even the global business companies are now allowed to do business locally.

The second point that I would like to raise is the tax status of the limited partnership. We do not have a clear indication that tax exempt limited partnership funds would be allowed under the law, because if the global business category 2 status is allowed under the law, then it would be possible to set up tax exempt fund where the investors do not need to have access to double taxation treaties. Hence, it will be an additional advantage for investors to do their tax planning without having recourse to double taxation treaty advantages, but for the purpose of tax deferrals, for taxation on remittances and for their choice of the appropriate tax domicile for their purposes.

The other point that I would wish to raise is there is always a possibility of some contradiction between the requirements of the law which is regulated by the Registrar of limited partnership which, in this case, is the Registrar of Companies and the requirements of the FSC. If we look at what is allowable under the filing of financial statements, it is clear that the Registrar of Companies is able to extend the

delay for the filing of financial statements which normally is required within six months after the date of the year-end. But the FSC would not allow extension of that delay of six months which brings therefore a contradiction for an international limited partnership fund to decide whether he is allowed to be given the advantage of filing even after six months. The reason being that there may be problems of valuation, there may be problems where the partners have specific requirements which may delay the valuation and therefore the closure of accounts within the proper time.

The other contradiction that needs to be avoided is the fact that a general partner, which is a foreign limited partner, may prepare accounts overseas, but the accounts must be sent to Mauritius for audit purposes. While a general partner must prepare the accounts in Mauritius, a global business limited partnership can prepare it outside Mauritius. So, there is a contradiction there which it would be better to have a level playing field rather than having these two different conditions for the same purpose. Of course, there is also the question of fees, because the attractiveness of the jurisdiction also depends on the competitiveness of the fee structure of the registration and for various charges under the limited partnership law.

One other proposal that may be pointed out at this stage is that we could introduce the protected cell limited partnership along the lines of the protected cell company legislation. This will allow the limited partnership to create multiple cells but which it can segregate the rights, the powers and duties with respect to specified property and obligations and this will also allow each cell to have a separate business or investment objective.

Finally, there is also one area of fund service which is a big potential for Mauritius, it is that of fund administration. But to be able to promote fund

administration of funds which are structured as limited partnership, especially foreign limited partnership, it is important that the back office administration in Mauritius of such foreign limited partnership will not trigger a tax liability by virtue of the fact that it is resident in Mauritius. Hence, this tax advantage, if it is clearly spelt out under a tax amendment to this Bill, would give Mauritius that edge over other jurisdictions like Jersey and more costly jurisdictions to outsource their fund administration into Mauritius due to the fact that all these funds are normally structured as limited partnership.

A final proposal is that it relates back to limited partnerships which are licensed by the Financial Services Commission. We have not seen...

(Interruptions)

Mr Speaker: May I remind hon. Obeegadoo that he cannot cross between the Member who is speaking and the Chair.

(Interruptions)

Order!

Mr Li Kwong Wing: A final idea is that of allowing the limited partnership to have a kind of investment manager or investment committee, because when it holds a global business licence as a collective investment scheme, it requires to have an investment manager preferably in order to show substance for the use of the Double Taxation Treaty, but where the general partner of a limited partnership is non-resident in Mauritius, there needs to be substance shown by either an investment committee or an investment management company which is then set up in Mauritius to manage the limited partnership. These are the main proposals that I have in mind and which I hope the Minister would take into consideration. But in the summary, may I say that we need to introduce with expediency these

regulations that have been provided for in the law, issue them very urgently, because without these regulations the product is not marketable. Also, it is important that the FSC should provide the guidance notes to the use of these new instruments, new vehicles.

And finally, the MRA...

Mr Speaker: It is the third time that the hon. Member is saying ‘finally’.

Mr Li Kwong Wing: Finally, with regard to what needs to be added and introduced to make the product marketable, it would be advisable for the MRA to publish some practice notes with regard to limited partnership in order to eliminate uncertainties under the tax laws.

Therefore, Mr Speaker, Sir, I end by commending all those who have worked very hard to make this law possible and presented to Parliament. I do hope that we will look forward to a very optimistic future to a financial services industry which has been short of any vehicles in the last years and that will give a new boost to the activities in the financial services sector.

Thank you, Mr Speaker, Sir.

(9.31 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): *Que de temps perdu, M. le président!* We are called upon to debate a Bill to provide for the registration of limited partnerships. Some 11 years, after the triad of legislations which were passed in 2001, namely the Companies Act, the Trust Act and the Finances Development Act, this is the most important piece of legislation, especially for the global business sector, a much awaited one, may I add. To maintain our competitiveness as a financial sector, it is essential that investors using Mauritius, should be given the option of setting up a limited partnership for limited partnership is the internationally preferred vehicle for

structuring venture capital funds and private equity funds. The MSM/MMM Government between 2000 and 2005 was committed to establishing a regulatory environment that encourages innovation with a consequent development and growth of business. They believed in the financial sector and rightly so, as this sector has consistently posted double figure growth. They knew that the only way to stay competitive in this ruthless offshore world was market diversification and product innovation.

With this clear objective in mind, the Financial Services Commission asked me as far back as 2004 to prepare a draft Limited Partnership Bill, and I did so. In fact, it was called Investment Limited Liability Bill because we were going to limit this form of limited partnership only to Collective Investment Scheme that were supervised by the Financial Services Commission. Why? Because it was felt that it would take too long to get all the stakeholders on board as some of them were skeptical about introducing a new form of partnership outside the civil code and the commercial code. I am glad that this Bill today provides a specific legislation and expressly provides that the provisions of the civil code and the commercial code relating to *société* will not apply to the limited partnership.

A draft of the Bill was circulated to stakeholders and comments were taken on board. The Bill was ready to be tabled before Parliament when general elections were called for in 2005. After the election, the Labour/PMSD government froze the project, and I say, out of pure political fanaticism. We owe it to the then Minister of Finance, hon. Pravind Jugnauth, for taking the initiative to complete the work. He announced the Limited Partnership Bill in his Budget Speech last year and presented the Bill in May of this year. But, *que de temps perdu, M. le president!* How many lost business opportunities in all these years!

Mr Speaker, Sir, limited partnership is a very old institution. According to Wikipedia, the earliest form of limited partnership can be traced back to Rome in

the third century before Christ in the form of *societas publica en Roma*. The Arabs and the Islamic world use *Kirad* and *Mudaraba* institution while the *commenda* appeared in the 20th century in medieval Italy. In the United States, limited partnership became widely available in the early 19th century and Great Britain enacted its first limited partnership statute in 1907.

Partnership and limited partnership have existed in Mauritius in the form of *société* governed by the civil code and the commercial code under the Napoleon codes for more than two centuries now. However, these structures were not appropriate for Collective Investment Scheme and a more modern commercial use that are being made of limited partnerships. The Bill which we are debating today aims to provide an internationally recognized structure and to give Mauritius a regulatory framework that is consistent with international norms meaning that it will be recognised and accepted by investors both in Mauritius and internationally. It is meant to achieve a world best practice structure for venture capitalist investment, private equity funds and other collective investment schemes wishing to be set up as an investment limited partnership. By doing so, it will enhance the competitiveness of Mauritius as an international financial centre.

It is also important to note that although limited partnerships are generally focused on attracting venture capitalist investments, they may also be used by the broader commercial community as a flexible business structure that has low compliance cost associated with it.

Mr Speaker, Sir, it must be pointed out that limited partnerships perform a different role from that of the limited liability partnership which has recently been introduced in the UK and other Commonwealth jurisdictions. The limited liability partnership is designed as a business vehicle for professional and trading partnership. It enables partners who are directly involved in the business of their partnership to limit their liability for their partnership debts and obligations and

was introduced in response to concern by professional practitioners about their possible exposure to massive claims for damages arising from the alleged negligence of one or more of their partners. I wanted to put that on record, Mr Speaker, Sir, because I have had conversation with other stakeholders who confused between limited partnership and limited liability partnership.

The limited partnership structure established by the Limited Partnerships Bill provide for two classes of partners. The first class of partner is a general partner who is jointly and severally liable with the limited partnership for the debt and liability of a limited partnership provided, of course, the limited partnership is unable to pay its debt. The general partner basically manages the business of the partnership and has all the rights and powers to bind the partnership. The second class of partners are the limited partners whose liability is limited to the amount of their contribution to the partnership and who are not liable for the debt and liabilities of the limited partnership so long as they do not take part in the management of the limited partnership. Again, the Bill clarifies what would amount to taking part in the management of the limited partnership and the Bill clarifies that there are certain activities which the limited partners are allowed to carry out without losing their limited liability. These are called safe harbours and they are based on international best practices. Safe harbours basically provide investors with certainty about the activities that they may be involved in without running the risk of losing their limited liability.

One very important feature of the limited partnership, Mr Speaker, Sir, which is being proposed today in the Bill is that the partners have the option of electing whether to treat the limited partnership as a separate legal entity from the partners. There has been a great debate internationally whether limited partnership should be a separate legal entity distinct from its partners. The law relating to

partnership was extensively reviewed by the Law Commission of England and Wales and the Scottish Law Commission which submitted their report in 2003.

In fact, the Commission recommended the introduction in English law of an option to have either a limited partnership with legal personality or a special limited partnership without legal personality. Although the Commission had a definite preference for the partnership to be treated as a legal entity, it recognised that, and I quote –

“ (...) if separate legal personality were mandatory, the existence of problems in some jurisdictions and uncertainty as to the response of tax authorities in other jurisdictions could severely restrict the continued use of English Limited Partnerships as vehicles for investment overseas.”

I am glad that the same flexibility is being provided in this Bill that is before this august Assembly today and partners will be able to elect whether to treat the limited partnership as a separate legal entity or not.

Mr Speaker, Sir, the Bill provides a number of default provisions which will be applicable to limited partnerships. However, several of these default provisions can be modified or overridden by the partnership agreement. In practice, one would expect detailed partnership agreements to govern the rights and duties of the limited partners and the general partners as between themselves. This is very important because, as I mentioned earlier in my intervention, the new Limited Partnership Act goes away with the default provisions set out in the Civil Code and Commercial Code. So, it is very important that the partners set down all the rights and duties and obligations of the partners in that partnership agreement.

The next issue that crops up is whether this partnership agreement should be made available for public inspection. In many ways, the partnership agreement is

akin to what a constitution is to a company. A copy of the constitution of the company is filed with the Registrar of Companies, so then why not file a copy of this partnership agreement too with the Registrar of Limited Partnership? The partners can amend the partnership agreement. Should not a copy of such amendment also be filed with the Registrar of Limited Partnership? With respect to limited partnership holding a global business licence, the Bill already provides that access to the Registrar file is restricted. Confidentiality, therefore, is preserved for foreign partners. But, I personally think, Mr Speaker, Sir, that there is a strong case for requiring that the partnership agreement for domestic partnership to be filed with the Registrar of Limited Partnership as it is the case currently with all types of civil and commercial *sociétés* in Mauritius. This is the only way for third parties dealing with the limited partnership to know what are the rights and obligations of the partners. Unfortunately, the way the Bill is drafted, there is no requirement for limited partnership agreement to be filed with the Registrar.

Mr Speaker, Sir, I will now turn to the taxation treatment which will be the last part of my intervention. The taxation treatment of limited partnership is a key issue in insuring that they attract investments. Taxation treatment is a key element of the limited partnership structure internationally. There is no point of having a Limited Partnership Bill if we do not have a clear guidance as to what tax rules will apply to limited partners, general partners and the limited partnerships. The Bill today does provide for the amendment of the Income Tax Act. But, I believe that this amendment to the Income Tax Act is not sufficient because the Income Tax Act needs to clarify the apportionment of incomes, expenses and other items to partners for tax purposes. We need detailed provisions that will ensure that income, expenses, tax credit, rebates, gains and losses flow through to the individual partners. Will the general partner be treated the same way as a limited

partner? The limited partner is taking a lesser exposure than the general partner, should they be given allowance for the loss of the partnership? Should there be a limitation of these losses to reflect the economic loss which limited partners will suffer?

Mr Speaker, Sir, I have emphasised this general taxation provision because in some jurisdictions limited partnerships are taxed at the level of the partnership and sometimes they are taxed at the level of the partners. In Mauritius, the general rule, based on the amendment that is being proposed to the Income Tax Act, is that the limited partnership will be taxed only at the level of the partners, except in the case of limited partnership who holds global business licence. If they hold global business licence, they can opt either to be taxed at the level of the partners or at the level of the partnership and I do not see any sense if the Mauritian resident decides to treat the limited partnership as a separate legal entity. Therefore for all purposes they are able to sue and be sued as they have all the abilities, then why should not they also have the option of having the income of that partnership taxed at the level of the partnership? Why is the rule of election only limited to global business companies? Also, because of the double taxation treaty network that Mauritius has, very often, the partners will elect that the entity be taxed at the level of the partnership so that the partnership will be resident for the double taxation treaty purposes. Again, why discriminate in this case between resident limited partnership and limited partnership for global business?

Finally, Mr Speaker, Sir, I would make an appeal to the Minister of Finance who is in the course of preparing the Budget. With respect to limited partnership, I would make an appeal that the hon. Minister of Finance together with the MRA, take into consideration the plea that has been made by the Global Business Sector with respect to limited partnership that are set up as funds, that these limited

partnership funds be tax neutral, they are not taxed, they are like Category 2 Global Business Companies and they are exempt from all taxations, the idea being that it is the partners who are taxed. Even if they elect to be treated as a legal entity limited partnership, the appeal would be to allow them to be taxed at zero rate at the level of the limited partnership.

Thank you, Mr Speaker, Sir.

(9.47 p.m)

The Attorney General (Mr Y. Varma) Mr Speaker, Sir, I understand the Limited Partnerships Bill was drafted following representations made by professionals from the industry to the Financial Services Commission in order to enable our jurisdiction to better meet the diverse business and financial needs and offer investors an additional form of business structure. The passing of this piece of legislation can only enhance the competitive edge of Mauritius as an International Financial Centre of substance and repute. This Bill is part of one of the series of measures to be set up to eventually come up with a legislative re-engineering of our financial services sector. Government is also contemplating to introduce the concept of Foundation and a draft Foundation Bill is in the process of being finalised by the Ministry of Finance and my office in consultation with the FSC and the industry.

The Limited Partnerships Bill seeks to introduce the concept of limited liability partnerships (“LLPs”, as they are commonly known) into our jurisdiction. The LLP, I must say, Mr Speaker, Sir, provides the same benefits as a corporation, in that it limits the liability of its partners, without requiring a change of structure. LLPs were first introduced in the United States of America, particularly in the State of Delaware during the 1980s, and as a result of the highly litigious

environment in the US, they proved to be immediately popular. In fact, similar legislation has now been enacted in many other US States and the majority of professional firms in the US are now registered as LLPs.

Mr Speaker, Sir, under the Bill, a limited partnership (LP), is a particular form of partnership that has at least one partner who is personally liable for partnership debts and who is known as the General Partner.

The Limited Partner, is for his part, protected from personal liability for any partnership debt, but cannot be active in managing the business. In other words, the General Partner has all the rights and powers and is subject to all the restrictions and liabilities of the partner in a limited partnership, subject to the limitations provided for in the Bill, whereas the Limited Partner contributes to the capital of the business, but is not liable for the debts and obligations of the limited partnership and does not take part in the control of the partnership business.

The Bill provides that a partnership formed under the civil law and LPs registered in accordance with the Bill are mutually exclusive. Hence, investors would have the possibility of either forming a *Société* under our *Titre neuvième* of *Livre Troisième* of the Code Civil Mauricien and *Titre Troisième* of *Livre Premier* of the Code de Commerce, or else, of forming a Limited Partnership as provided for in the Bill.

Mr Speaker, Sir, a limited partnership may be formed in Mauritius to carry on any lawful business within Mauritius or elsewhere and, unless otherwise specified in the partnership agreement, it shall have a continuous and successive existence, through its present and future partners until its dissolution.

Furthermore, Mr Speaker, Sir, another specification of the LP shall be that it would devolve upon the General Partners to elect whether it shall have separate legal personality. The Bill allows the partners to adopt or relinquish legal

personality during the course of existence of the LP, which may be for either limited or unlimited duration where the General Partners elect that an LP shall have legal personality; they shall, at the time of applying for its registration, file with the Registrar of Limited Partnership, who shall be the Registrar of Companies a declaration signed by one or more of the general partners, stating that the LP shall have legal personality, if they so wish.

It is of essence to note, Mr Speaker, Sir, that any change in the partners of an LP, which has legal personality shall not affect the existence, rights or liabilities of the LP. Furthermore, an LP which has legal personality may subsequently elect not to continue as a legal person. And it is mandatory for an LP registered under the Bill to have at least one general partner and one limited partner.

The Bill provides that a person can be both a general and limited partner in the same LP. The general partner can be an individual, a body corporate or an unincorporated body, formed or registered with or without liability in Mauritius or elsewhere, including any société or partnership or any other body of persons, and who shall be jointly and severally liable for all debts of the LP without limitation. On the other hand, Mr Speaker, Sir, the Bill provides that a limited partner is not liable for any debt of the LP beyond the amount contributed or agreed to be contributed to the LP, unless otherwise provided for in the Bill itself or the partnership agreement. Likewise, the limited partner can be an individual, a body corporate or an unincorporated body, formed or registered with or without liability in Mauritius or elsewhere, including any trust, société or partnership or any other body of persons.

A limited partner cannot participate in the management of the business of the LP but can, however, inspect its books, make enquiries, provide advice and approve or disapprove an amendment to the partnership agreement. It is to be

highlighted that the Bill does impose a duty of good faith and a duty to provide accounts and information on the general partners.

Mr Speaker, Sir, the Bill makes it mandatory for every LP to have a partnership agreement, which shall be binding upon the partners, their assignees and subsequent partners. Hence, the Bill is not prescriptive in nature, but rather allows the limited partnership agreement to regulate the terms of the partnership. Indeed, the provisions of the Bill with respect to the key terms of the partnership are subject to the limited partnership agreement. However, whenever the limited partnership agreement is silent on any particular issue, the provisions of the Bill shall prevail.

Mr Speaker Sir, the name of every LP registered under the Bill has to end with the words “limited partnership” the abbreviation of L.P or the designation LP. A simple procedure has been envisaged for the registration of LPs, whereby the Registrar has to issue a certificate of registration to the general partners, which shall be conclusive evidence that all the requirements of the Bill as to the formation and registration of the LP have been complied with. Wherever an LP proposes to conduct any business for which a licence, authorisation, registration or approval is required under any enactment, it has to apply for same before commencing business. This would cater for LPs which intend to hold Global Business Licences.

Mr Speaker, Sir, I have to emphasise that the Bill provides for a Register of LPs, containing ...

Mr Speaker: I am sorry to interrupt the hon. Attorney General. I think when the hon. vice-Prime Minister and Minister of Finance was presenting the Bill, he has highlighted all these issues. The Attorney General is just repeating the

same arguments that the hon. vice-Prime Minister and Minister of Finance has put forward.

Mr Varma: Mr Speaker, Sir, I was just going into the legal aspect of the Bill.

Mr Speaker: Yes.

Mr Varma: I will shorten what I have to say, Mr Speaker, Sir. I am convinced that the Limited Partnerships Bill would greatly enhance the competitiveness of Mauritius in attracting more capital investments and encourage foreign fund investment business. The primary benefit of the LP structure is that it provides a flexible vehicle for sophisticated institutional investors who wish to participate in a partnership up to a certain fixed monetary amount with the full benefit of limited liability; a benefit not enjoyed in a traditional partnership structure, but without having to have a direct role in the management of the partnership's affairs.

And as has been proved in other leading financial jurisdictions, LPs have multiple and valuable uses and they frequently feature as part of international tax structuring, as a preferred vehicle for private equity and investment capital structures and as part of asset protection arrangements.

Mr. Speaker, Sir, the LP as envisaged under the Bill would satisfy the international standards for tax transparency and exchange of information requirements provided for under the Exchange of Information framework for tax purposes of the Peer Review Group of the Organisation for Economic Cooperation and Development, as provision has been made in the Bill for adequate records, including accounting records to be kept

I am sure that the LP regime would prove not only useful as a vehicle of investment, but would, with time, demonstrate the ability to adapt to the challenges of the global market of financial transactions.

I thank you for your kind attention.

(9.58 p.m.)

Mr P. Jugnauth (First Member for Quartier Militaire & Moka): Mr Speaker, Sir, first of all, I am very happy to see that the Limited Partnerships Bill, which I presented the First Reading, in my capacity as Minister of Finance and Economic Development in July, is being taken at the Second Reading.

The Bill, when I looked at it, is unchanged and, of course, it still bear my signature, so very good! For me, this is a testimony to the good job, when I was the hon. Minister of Finance in the interest of the country. In fact, Mr Speaker, Sir, I felt the urgency to come up with this Bill when, during a number of my investment missions and promotions abroad together with the Board of Investment, interested parties in the Global Business Sector have regularly queried us about the passing of this Limited Partnerships Bill.

Of course, I knew there were opportunities that had to be tapped, and I gave there and then, in the numerous meetings, undertakings that we would come up with such a Bill at the earliest opportunity. I can still recall when I was in Government, a number of my colleagues - not to name my good friend, hon. Bunwaree, who has been former Minister of Finance and has, in fact, been working on such a Bill - said that there was a need to come forward with such a Bill. But it took so many years, as rightly pointed out by hon. Uteem, for the finalisation of such a Bill. Therefore, Mr Speaker, Sir, I thought that it was one of my priorities,

and I am pleased that this piece of legislation will further broaden the already comprehensive legislative framework that governs our Global Business sector.

In fact, the Limited Partnerships Bill provides the statutory framework for a modern tax transparent investment vehicle for various investment schemes, and I am sure that it will significantly contribute to enhance our jurisdiction as an attractive place to do business. It will no doubt strengthen our competitiveness as a financial hub and, with this legal framework, investors using Mauritius will have the opportunity to choose a business structure that combines the advantages of a limited company with the flexibility of a partnership form of business.

Mr Speaker, Sir, the legal framework that is being proposed encapsulates comprehensive provisions for the formation of businesses, the role of Registrar, the constitution it provides also for the various types of limited partnerships, the provisions for registration, as well as for the administration. The duties of the partners are clearly spelt out, as well as their rights and obligations, and the provisions are also for the keeping of records and audit, as well as the conflicts and dissolution. Limited partnership remains, in fact, the most widely used investment structure by the US-based private equities to invest in particular projects. I can recall also - I know that hon. Minister of Finance, hon. Xavier Duval, has been to the IMF/World Bank meeting recently, and I am sure he must have done so also - that regularly we have had the opportunity of meeting with people who are interested in Mauritius. I must say that, on a number of occasions, I had the same question being put to us: 'when are you going to pass the Limited Partnership Bill?' The Minister of Finance had the same question, I am sure.

When we look at the uncertainties that are prevailing today in the US markets and private equities are on the lookout for financial major projects in alternative destinations - we have seen the opportunities that have been created in

the Asian markets, and the African markets also look very promising - I would say that it is indeed very timely for Mauritius, although it was long overdue, that we come up with such legislation. In order to entice private equities to further use our platform for their investments, the introduction of the limited partnership legislation is to me of utmost importance.

Let me just say that the main attributes of the Limited Partnership legislation is that there are clear provisions and distinctions between a general partner and a limited partner. The Bill clearly identifies the differences in the constitution, the responsibilities, and the liabilities attributed to both general partners and limited partners. While general partners may not necessarily contribute financially in the projects, limited partners would contribute financially. Limited partners do not participate in day-to-day decision making, while the general partners would be fully involved in the day-to-day operation of the investment and the partnership. Limited partners equally face liabilities that are limited to a maximum of their initial capital investment in the projects.

Secondly, there is the introduction of the tax neutral vehicle. I must say that this is very important, because in a number of consultations which I have had, it has been recommended that a tax neutral vehicle be equally introduced in Mauritius. The introduction of such a financial vehicle is expected to boost the interests of Mauritius and further promote Mauritius as the ideal platform for structuring vehicles and funds for global investments.

In the light of the recommendations I have just mentioned, the limited partnership legislation has a special provision that allows for a tax neutral vehicle. The limited partnership legislation provides for certain fiscal neutrality for limited partnerships registered in Mauritius, and thus allow the global funds to increase their use of our financial platform. It has been proposed that the limited

partnership structure be exempt from all taxes locally, and that income be taxed at the level of resident partners in Mauritius only. I must say that the legislation proposes that partners be subject to tax in Mauritius to the extent that such partners are resident in Mauritius. However, non-resident partners would generally neither be subject to a withholding tax nor be taxable in Mauritius. The above proposal requires, in fact, amendments to section 2 of the Income Tax Act, as suggested in the proposed Limited Partnership legislation. In fact, I am very glad to see that we are extending the definition of *société* to include the limited partnerships, thus making the limited partnerships structure tax neutral but the partners, of course, distributed income liability to taxes.

The Limited Partnership Bill also provides for the statutory framework of a modern tax transparent investment vehicle for various investment schemes, and I am sure it will contribute significantly to enhance our jurisdiction as an attractive place to do business. It will no doubt strengthen our competitiveness as a financial hub and, with this legal framework, investors using Mauritius will have the opportunity to choose a business structure that combines, in fact, the advantages of a limited company with the flexibility of a partnership form of business. But beyond all the provisions of the Bill, I wanted to propose, in fact, an innovative legislation that will attract investors, both local and foreign, by an improved ease of doing business environment, since they can choose to limit their liability to the capital they bring into the business. There is also the focus on the general partners that can bring to the day-to-day business for more productive results and also for the improvement in the permanency of the vehicle they have chosen to conduct their business in Mauritius. Partners can join or leave the vehicle without having to dissolve the arrangement. A body corporate such as the GBL1 or even a Trust can be of a general partner or a limited partner who should make it particularly

attractive for the Global Business sector and this is to illustrate the paradigm shift that will take place in the legal environment of doing business in Mauritius.

Mr Speaker, Sir, let me press on the urgency of the matter. Our jurisdiction has taken too long to enact a new framework for limited partnerships. When, in fact, as has been enlightened by other orators before me, other jurisdictions – especially, those in the Far East - have been taking major steps to enhance their attractiveness through modernisation of their legal framework. In fact, the constant modernisation of the legal framework to keep pace with changes and to improve the competitiveness plays an integral role in positioning our nation as a business jurisdiction of excellence.

To conclude – I am not going to be too long - because I was with the technicians of the Ministry of Finance to prepare this Bill, let me say that the economic and financial turmoil that still prevails very much in United States and Europe and ...

(Interruptions)

Yes, it is persisting, no doubt! The Mauritian jurisdiction, in fact, can increasingly become a destination of choice for international investors and business pundits.

The challenges that are facing us today on the economic front are also bringing new opportunities which we have to intelligently tap through proactive endeavours. And by enacting this innovative legislation, Mauritius will be offering, in fact, new avenues to the global business community. Besides, in fact, consolidating our country as an offshore jurisdiction of substance, it will also give a boost to our economic operators to conduct business for the benefit of the economic growth and employment creation.

Thank you.

(10.12 p.m.)

The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval): Mr Speaker, Sir, I would like firstly, to thank all the orators and it seems, I think, there is a general consensus on the Bill. So, I won't need to be too long. I think, *une petite fausse note* to hon. Uteem who talked about '*que de temps perdu*'. It is his experience. I would just like to remind him that, in fact, he should check who was in power during these five years. It was not this *Alliance* here, but his own party. He should be reminded of that and to be *peut-être un petit peu plus modeste*.

Anyway, Mr Speaker, Sir, there is general consensus. I really appreciated all the comments that were made. I think what this Bill shows, in fact, is that everybody can agree that we need to act in the national interest. I must say that, as soon as I came in, there was this Bill to be passed. I could have changed something and bring my own touch to this Bill but, I thought, no, it has taken a long time, let's bring it in because that is what people want. Some suggestions have been made and if we see that they are worthwhile, Mr Speaker, Sir, we will bring them in the Finance (Miscellaneous Provisions) Bill. We can always bring in the valuable suggestions once the technicians look at them and think that they are, in fact, worthwhile.

As far as the coming into operation of the Bill, the regulations are not very complicated and, hopefully, we can get that done quickly so that the management companies can get cracking on marketing and promoting this Bill.

The Bill, Mr Speaker, Sir - I am just answering some of the points that have been raised - was benchmarked, I am told, with the Jersey, Guernsey and Cayman

Islands jurisdictions. There have been some suggestions as to whether we can make it even better and we will try and see what can be done. Another point that has been raised is the importance of promoting the financial sector in Mauritius. That is extremely important and I have given instructions, Mr Speaker, Sir, particularly to BOI, that they should, firstly, protect the reputation of the centre and, secondly, be much more active in its promotion.

Africa, again, has drawn consensus here in the House. Africa has a great potential for our financial services sector and we have overseen a number of double taxation agreements. We are in the process of trying to get the ratification by our counterparts of the other double taxation agreements that have been finalised.

Mr Speaker, Sir, the House will have noted the efforts we have made to, in fact, get Mauritius closer to the African continent, that is, politically. Recently, there was the SADC meeting of Ministers of Finance, there was the opening of AFRITAC, and we have also committed funds to an eventual centre for training by the IMF through Africa. So, we are, in fact, conscious of the importance of Africa and conscious of the need for us to be able to join that wonderful continent in its drive for growth and prosperity.

Mr Speaker, Sir, as far as the level of the fees is concerned, obviously, being a new jurisdiction and selling a new product, we will try to set the fees at a very competitive level. I have enjoyed the consensus on this Bill and we will be bringing, shortly, I hope, the Foundation Bill as my colleague mentioned, and, the International Companies Bill also as soon as these are ready so that, in fact, we may provide new products to our financial services sector so that Mauritius can continue on the road to prosperity.

I thank everybody for their effort and suggestions.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Limited Partnerships Bill (No. XX of 2011) was considered and agreed to.

On resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Limited Partnerships Bill (No. XX of 2011) was read the third time and passed.

ADJOURNMENT

The Prime Minister: Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 25 October 2011 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Mr Speaker: The House stands adjourned.

MATTERS RAISED

(10.23 p.m.)

VERGER BISSAMBAR, MONT ROCHES – SEWERAGE NETWORK

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière):

Mr Speaker, Sir, I will raise an issue which concerns the hon. Deputy Prime Minister, Minister of Energy and Public Utilities regarding the extension of sewerage network at Verger Bissambar, Mont Roches.

I have had the opportunity, on two occasions, to ask Parliamentary Questions under the Plaines Wilhems sewerage network where work is nearly under completion. There is a particular region called Verger Bissambar in Mont Roches where 30 or 40 households have not been included in the project being given the topography of the region. The hon. Deputy Prime Minister gave a reply last year, but there is some frustration in the region because, even myself, I do not know as to where matters stand so that I can inform the inhabitants of Verger Bissambar. So, I appeal to the hon. Deputy Prime Minister to, at least, let us know whether the project is forthcoming, what are the difficulties and what is the time table for connecting this region to the network. This is causing a lot of frustration because the whole region is connected and only a few houses are not listed in the network. I appeal to the hon. Deputy Prime Minister to inform the House accordingly.

The Deputy Prime Minister: Mr Speaker, Sir, the matter has been raised and it is also a matter of a written answer to a question that has been asked. The topography is difficult, but I have asked them to include it in the next phase of the development.

DUBREUIL - MOBILE DENTAL CLINIC

Dr. S. Boolell (Second Member for Curepipe & Midlands): Mr Speaker, Sir, I have a request for the hon. Minister of Health and Quality of Life and apparently he is not around.

It is about the village of Dubreuil which is fairly cut off from the rest of the district and I will be most grateful if the kind of mobile dental clinic of the Ministry of Health and Quality of Life could at least attend Dubreuil once a month to provide dental services.

The Minister of Housing and Lands (Dr. A. Kasenally): Mr Speaker, Sir, we will look into that.

RODRIGUES - BIP - DISALLOWANCE OF CLAIMS

Mr J. F. François (Third Member for Rodrigues): Mr Speaker, Sir, with your permission, I will briefly raise two issues. The first one is addressed to the hon. Minister of Health and Quality of Life and the hon. Minister of Social Security, National Solidarity and Reform Institutions.

With regard to the Basic Invalidity Pension where beneficiaries are facing unfair disallowance of claims, there is a great continual anomaly between the Medical Board's decisions and the recommendations of those doctors and specialists for medical cases suffering from epilepsy and psychiatric problems. Many cases under treatment with continuous prescription are facing disallowance of their BIP. The Medical Tribunal is scheduled twice a year to review cases. May I make an appeal to the hon. Ministers to see to it that better coordination be established between these bodies and these recurrent problems be remedied in Rodrigues?

RODRIGUES - POINTE LA GUEULE PRISON - OVERCROWDING

Mr J. F. François (Third Member for Rodrigues): My second issue is addressed to the hon. Prime Minister in regard to the security of detainees and Prison Officers and the overcrowded situation at Pointe La Gueule prison in Rodrigues.

The Pointe La Gueule prison can accommodate around 30 or so detainees and, at present, there are around 56 detainees on remand. Male detainees have to be accommodated in the female blocks and they do not even have enough space for physical exercise and the benefit of being out-of-doors in an open area which is around 150 to 200 m².

With the increasing imprisonment rate in Rodrigues lately, the situation is becoming unbearable for both Prison officers and detainees themselves. May I make an appeal to the hon. Prime Minister to see to it with the Commissioner of Prisons and the Commissioner of Police to look seriously into the dossier of Pointe La Gueule prison for the safety and welfare of both prisoners and staff?

Thank you.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs S. Bappoo): I just wanted to say, Mr Speaker, Sir, if we can have the specific cases about the issues on Basic Invalidity Pension, etc., we can have a look into the matter.

The Prime Minister: Mr Speaker, Sir, I will ask the Commissioner of Prisons to look into the matter.

CRIMEA STREET, VALLÉE PITOT - ELECTRIC POST

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Speaker, Sir, it is an issue addressed to the hon. Deputy Prime

Minister, Minister of Energy and Public Utilities. It affects Vallée Pitot in Constituency No. 2. In Crimea Street, there is an electric post which is in a precarious position because it is standing on soil that has been eroded through water and adjacent to the electric post there is a mosque. Now, the electric post is becoming a danger to the people who go to that mosque. I know that this issue has been brought to the attention of the hon. Deputy Prime Minister and I have personally written to the Central Electricity Board, but, up to now, they have not done anything and the electric post is really in a very precarious position. I would be grateful if the hon. Deputy Prime Minister could take up the matter with the CEB.

The Deputy Prime Minister: If I am not mistaken, there is a problem of wayleave, if we are talking of the same one, but I will look into it.

CAUDAN ROUNDABOUT – PEDESTRIAN CROSSING

Mr J. C. Barbier (Second Member for GRNW & Port Louis West): Mr Speaker, Sir, the point I will raise concerns the hon. vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping. It concerns the inhabitants of the region of Caudan, especially the devotees going to the kovil.

Mr Speaker, Sir, since road works are ongoing in this region for the lifting of Caudan roundabout, almost every day there is a change for the pedestrians to cross from one side to another and to go to the kovil and back. Everyday there is a change. Today, it is this way, another day there is a change on the other side of the roundabout; they are having many difficulties to be able to attend the kovil and back. My attention has been drawn by the inhabitants of my Constituency about the problem and they have asked me

to raise this issue in the National Assembly. They also want to know about the whole concept of what is going on there, whether there has been any provision for the devotees to cross the road from one side to the other and back because as the works are going on actually, they have no information about it. I would like the hon. Minister to give us proper information on what has been provided for so that pedestrians, especially those going to the kovil, know what has been provided for them under this project which is actually ongoing.

Thank you, Mr Speaker, Sir.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Mr Speaker, Sir, I will request the RDA and the TMRSU to have an early look at this issue and to find a solution to the problem.

(10.30 p.m)

CITÉ LA CURE – LEASES – ELECTRICITY & WATER SUPPLY

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue): I wish to thank you, Mr Speaker, Sir, for allowing me to raise this matter at Adjournment time.

Mr Speaker, Sir, it is the second time that I am raising this matter in this House. The first time it was addressed to the hon. Minister of Housing and Lands on 24 May of this year. Today, I am addressing this matter to the attention of the hon. Prime Minister and I thank the hon. Prime Minister for listening to the plea I am making in favour of those families.

The issue concerns some 19 families who have been allocated building site leases at Cité la Cure. They have already constructed their houses and they are

presently staying there. They have been informed by the Ministry of Housing and Lands on 25 April 2008 that they would be relocated to a place at Batterie Cassé and that plots will be allocated to them. These families do not want to move to that place called Karo kalyptis. Firstly, because of security reasons and secondly, they have already built their houses where they are, Mr Speaker, Sir.

Mr Speaker, Sir, among those 19 families, there are 75 children residing there, out of which, 12 children are taking part in the present CPE examination which has started today. It is very sad, Mr Speaker, Sir, to note that these children have started their primary education, that is, from Standard I and today they are in Standard VI and are taking part, as I said in CPE examination, without electricity and water also. It is for this reason that I am addressing this matter to the attention of the hon. Prime Minister.

We were, yesterday, together with those families, present in front of the Government House to draw the attention of the authorities to this prevailing situation. Why should we have two categories of citizens in this country? Why can't these families be connected, as all other families, to the electricity and water network so that they also enjoy those facilities as all of us are enjoying in this country?

Mr Speaker, Sir, I am making an appeal to the Prime Minister to personally look into this desperate situation and put an end to the sufferings of those families that they have been enduring for the past six years.

Thank you, Mr Speaker, Sir.

The Prime Minister: I thank the hon. Member for drawing my attention to it. In fact, this issue has been raised, I think, by hon. Mrs Perraud, hon. Mrs Martin and hon. Mrs Juggoo as well, before, in the past, here in the Assembly.

(Interruptions)

I have just mentioned - the hon. Member cannot hear, it is too late - all three. It is a complex problem, because my understanding is that the houses have been built without due permits and all this. That is what I understood to be the problem, but we will certainly look into the matter because they have raised the matter with me. I thank the hon. Member for this.

RADIO ADVERT

Mrs L. Ribot (Third Member for Stanley & Rose Hill): M. le président, je voudrais faire une requête à l'honorable Premier ministre. En ce moment sur les ondes, tous les matins, il y a une publicité faite pour promouvoir un site de rencontre locale. Je me réfère surtout au spot incluant les dialogues entre une mère et sa fille dont on ne connaît pas l'âge. Que la mère soit à la recherche de l'âme sœur, tant mieux pour elle !

M. le président, autant que ce site de rencontres concerne les adultes, cela ne nous pose aucun problème. Ils assument leur choix. Là où le bât blesse, M. le président, c'est quand on entend la mère, à la fin du spot publicitaire, encourager sa fille à faire la même démarche en disant : « essaie toi-aussi, ma chérie! »

M. le président, à un moment où on parle d'effritement de valeurs dans notre société, où on met les enfants en garde contre les dangers que ces rencontres sur ces sites peuvent représenter où des cas de viol, d'agressions sur des jeunes et de pédophilie sont monnaie courante, nous ne pouvons qu'exprimer notre désapprobation de cette publicité sur nos ondes en ce moment.

Thus, Mr Speaker, Sir, I will kindly ask the hon. Prime Minister to see to it that the relevant authorities remove that spot as soon as possible.

Thank you.

The Prime Minister: I just want to ask for a clarification. Is the spot on TV or Internet?

Mrs Ribot: On radio!

(1) BATS - DAMAGES

(2) ROAD SAFETY

Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien): Mr Speaker, Sir, I have got two issues. The first one concerns the Minister of Agro Industry. It is related to bats.

Bats have started to find their prey in certain regions of the island and we can expect the disastrous effect that this will cause as in the previous years.

C'est un calvaire quotidien, M. le président, que les mauriciens vivent avec les dégâts causés par les chauve-souris dans leurs cours et sans oublier leurs bruits infernaux.

In a past PQ asked last year by hon. Mrs Radegonde, the Minister listed out several actions that would be implemented, including the review of the Wild Life and Natural Parks Act and the culling of bats. Unfortunately, a year has elapsed *et, comme toujours, on n'a rien vu de concret*. I would kindly request the hon. Minister to come with a statement later on and to clarify the House as to where matters stand in relation to each of the actions listed out last year.

The second issue is very important. It concerns road safety. It is either addressed to the hon. Prime Minister or the hon. Minister Anil Bachoo. There is an urgent need, Mr Speaker, Sir, to place road signs with the mention of "Beware of stags or deers" on the road from Jumbo Roundabout Phoenix to Sodnac junction. This is mainly, Mr Speaker, Sir, with the view of informing and protecting drivers, especially VIPs and road users in general, following the recent very sad incident reported at the Sodnac Police station.

Thank you, Mr Speaker Sir.

Mr Speaker: May I remind the hon. Member that, on that road, there are three obstacles.

(Interruptions)

The Minister of Agro-Industry and Food Security (Mr S. Faugoo): Mr Speaker, Sir, I will make a full-fledged statement next week on the issue which has been raised and I will inform the House of all the actions that have been taken by the Ministry.

The vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping (Mr A. Bachoo): Well, I can assure the hon. Member that our roads are very safe.

(Interruptions)

BANANE - VILLAGE HALL

Mr M. Seeruttun (Second Member for Vieux Grand Port and Rose Belle): M. le président, je voudrais prendre un sujet qui concerne le ministre des collectivités locales. Le sujet concerne le Village Hall de Banane, le petit village de ma circonscription. Le Village Hall est actuellement abrité dans un bâtiment qui appartient à un propriétaire privé, lequel propriétaire a fait une demande de reprendre possession du bâtiment et une cour de justice a déjà accédé à cette demande. Cela fait plusieurs années déjà que le projet de construire un nouveau Village Hall sur un terrain déjà identifié reste un projet virtuel.

Je fais donc un appel pressant au ministre de donner considération spéciale aux habitants de Banane qui ont déjà des facilités très limitées en termes de loisirs. Donc, qu'il soit doté d'un Village Hall construit nouvellement pour qu'ils ne courent pas de risque de se retrouver sans Village Hall sous peu. Au nom de tous les habitants de Banane, je remercie le ministre d'avance pour sa compréhension et sa collaboration.

Merci.

The Minister of Local Government and Outer Islands (Mr H. Aimée):
Mr Speaker, Sir, I will look into the matter and talk to Grand Port/Savanne District Council and do the necessary action.

At 10.42 p.m, the Assembly was, on its rising, adjourned to Tuesday 25 October 2011 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

POLICE - VACANCIES

(No. B/754) Mr P. Jhugroo (First Member for Mahebourg and Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to each of the grade, from Chief Inspector of Police to Deputy Commissioner of Police, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of existing vacancies as at to date.

Reply: The Police have embarked on a major promotion exercise starting with officers at the bottom of the hierarchy and this exercise is ongoing. Since the beginning of this year, 682 officers have been promoted.

An exercise for the filling of vacancies in the grade of Chief Inspector and above is currently under process.

I wish to remind the House that promotion in the Police Force falls within the purview of the Disciplined Forces Service Commission.

RIVIERE DU REMPART POLICE STATION – MR A. K. R. – DEATH

(No. B/755) Mr P. Jhugroo (First Member for Mahebourg and Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to late Mr A. K. R., who passed away at the Rivière du Rempart Police Station, on or about Saturday 30 July 2011, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) date on which he was arrested;
- (b) charge(s) preferred against him, and
- (c) circumstances of his death, indicating if an inquiry has been carried out thereinto and, if so, the outcome thereof.

(Withdrawn)

BUSINESS PARKS OF MAURITIUS LTD – FACT FINDING COMMITTEE

(No. B/756) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Fact Finding Committee set up to look into cases of alleged irregularity at the Business Parks of Mauritius Ltd. and presided over by the Honourable Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping, he will state when the report was submitted to him, indicating if –

- (a) following observations made therein, disciplinary actions have been taken and if so, against whom and when
- (b) mention is made therein of any case of abuse of authority, and if so, if same has been referred to the police, indicating when, and
- (c) other shortcomings have been observed, and if so, the remedial measures taken, indicating when.

Reply: At the very outset, I should like to clarify that no Fact Finding Committee was set up.

However, in July 2010, Government decided to set up a Ministerial Committee to ensure that the development projects at Ebene and Rose Belle by the Business Parks of Mauritius Ltd. are being implemented in a planned and harmonious way. The Committee comprised –

- (i) the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping;
- (ii) the Minister of Housing and Lands;
- (iii) the then Minister of Tourism and Leisure;
- (iv) the Minister of Environment and Sustainable Development, and
- (v) the Minister of Information and Communication Technology.

The Ministerial Committee also looked into alleged cases of malpractices levelled against the Business Parks of Mauritius Ltd.

The Ministerial Committee has submitted its Report in August this year.

I can assure the hon. Member that whatever remedial and corrective actions, including disciplinary action, that may be required shall be taken within all administrative and legal parameters.

PRISONS – TUBERCULOSIS CASES

(No. B/757) Mrs F. Labelle (Third Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the number of cases of tuberculosis diagnosed thereat, since January 2008 to September 2011, indicating the treatment administered.

Reply: I am informed by the Commissioner of Prisons that eleven cases of tuberculosis have been diagnosed at the Prisons from January 2008 to 30 September 2011.

Generally inmates infected with HIV/AIDS are more at risk of being infected with tuberculosis and it is difficult to diagnose such disease in HIV-positive detainees. The early diagnosis of tuberculosis is important because tuberculosis progresses faster in HIV-infected people.

On admission to the prisons, every detainee is seen by the Prisons Medical Officer to assess his/her general state and to detect infectious or contagious disease. An inmate showing signs and symptoms of active pulmonary tuberculosis is immediately isolated and tested for tuberculosis. Diagnosis relies on chest x-rays and sputum analysis which is carried out at the tuberculosis laboratory located at the Chest Clinic in Port Louis.

Once diagnosis of tuberculosis is established, the prisoner is admitted to Poudre d'Or Hospital where appropriate treatment is administered by the doctors there.

The inmate stays at Poudre d'Or Hospital until he/she is no longer contagious and is sent back to prison. The nursing staff in prison ensure that the anti-tuberculosis drugs are taken daily by the patient and regular monthly follow-up at the Chest Clinic is continued.

I would like to add that all tuberculosis patients admitted to Poudre d'Or Hospital are systematically tested for HIV infections and intensified tuberculosis detection procedures are being implemented for patients found positive for HIV/AIDS.

SSR INTERNATIONAL AIRPORT – TERMINAL - CONSTRUCTION

(No. B/758) Ms S. Anquetil (Fourth Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the construction of the new terminal of the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from the Airports of Mauritius Ltd., information as to where matters stand.

(Withdrawn)

VACOAS – POLICE STATION

(No. B/759) **Dr. R. Sorefan (Fourth Member for La Caverne and Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Vacoas Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) number of
 - (i) Police officers posted thereat, indicating their respective grades, and
 - (ii) vehicles attached thereto, and
- (b) regions and size of population it covers, indicating if consideration will be given for the setting up of a new Police station within the regions it covers, in view of the fast expansion thereof.

Reply: In regard to part (a)(i) of the question, the posting of Police officers to a particular Police station, unit or branch is a matter which directly concerns national security and consequently, it would not be in order to give such information.

In regard to part (a)(ii) of the question, I am informed by the Commissioner of Police that two vehicles are attached to Vacoas Police Station, three to the Vacoas CID Office, one to the Emergency Response Service and one to the “*Brigade pour la Protection des Mineurs*”.

In regard to part (b) of the question, the Vacoas Police Station covers over twenty five localities with a total population of about 130,000 inhabitants.

The whole region is being adequately serviced by the Vacoas Police Station and its attached units. Also, the adjoining Police stations, that is, Phoenix, Floreal, Eau Coulée, Curepipe and Quatre Bornes Police Stations, are located in a radius of 3 to 5 kms and can be reached within ten minutes. It is not envisaged at this stage to set up another Police station in the region of Vacoas.

COMMISSION FOR THE DEMOCRATISATION OF THE ECONOMY – STAFF

(No. B/760) **Mr M. Seeruttun (Second Member for Vieux Grand Port and Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Commission for the Democratisation of the Economy, he will state the –

- (a) number of officers attached thereto -

- (i) at the time it was set up, and
- (ii) currently, and
- (b) name of the -
 - (i) Chairperson, and
 - (ii) Deputy Chairperson thereof, indicating in each case, the attributions and monthly financial package.

Reply: At the time of its inception in 2005, five officers were attached to the Commission for the Democratisation of the Economy. This number has not been increased since then.

In regard to part (b) of the question, the present Chairperson of the Commission is the hon. Ms Kumaree Rajeshree (Nita) Deerpalsing. The position of Vice-Chairperson is presently vacant.

The duties of the Chairperson of the Commission include, *inter alia*, assisting on policy matters regarding the democratisation of the economy and on special projects which are being driven by my office.

To date, the Commission has provided inputs for policy decisions in numerous sectors, such as –

- Sugar cane Industry
- Agriculture, other than sugar cane
- Food Security issues
- Agricultural Diversification
- Energy
- Competition issues in general
- Competition issues in the retail trade distribution sector
- SMEs Empowerment
- The emergence of a democratised tourism industry
- Fisheries and the Empowerment of small fishermen
- The emergence of new-subsectors to support vulnerable groups in Mauritius
- The National Initiative for Civic Education (NICE).

The Chairperson is being paid a monthly allowance of Rs30,000 plus a driver's allowance of Rs7,000 monthly. She is also being provided with an official car.

RIVIERE DU REMPART POLICE STATION – MR A. K. R. – ARREST & DEATH

(No. B/761) Mr V. Baloomoody (Third Member for GRNW and Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to late Mr A. K. R., who passed away while in police custody, on 30 July 2011, at the Rivière du Rempart Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the date of his arrest;
- (b) the provisional charge lodged against him;
- (c) if other co-accused were arrested with regard to the same offence, and if so, in each case, indicate the provisional charge lodged against them, and
- (d) the circumstances of his death.

Reply: I am informed by the Commissioner of Police that on 17 July 2011 at 18.05 hours, one Mrs M. F. B., aged 42, residing at NHDC, Bois Mangués, Plaine des Papayes, reported at the Plaine des Papayes Police Station the theft of her wristwatch, make unknown, colour yellow and white from her wardrobe on the same day between 06.30 hours and 17.30 hours. She also reported that the value of the wristwatch was about Rs7,000. She further reported that she suspected her husband one Mr J. D. L. B., aged 43, residing at the same address with whom she was not in good terms. She claimed that her husband has become a heavy drunkard and often steals every handy item in the house, including her personal belongings. The case has been registered as OB 2531/11 – Larceny Breaking at the Plaine des Papayes Police Station.

On 25 July 2011 at 09.00 hours Mr J. D. L. B. was arrested by the Police in connection with the case. In his statement to the Police, Mr J. D. L. B. admitted having committed the theft and had sold the wristwatch to one Mr A. K. R. for sum of Rs200.

On the same day at 12.00 hours, Mr A. K. R. was arrested. He verbally denied the charge leveled against him. With his consent, his house and premises were searched, but no incriminating item was found.

As there are no proper detention facilities at Plaine des Papayes Police Station, both Mr A. K. R. and Mr J. D. L. B. were detained at Rivière du Rempart Police Station which has detention facilities.

On 26 July 2011, a provisional charge for “Possession of Stolen Property” was lodged against Mr A. K. R. and a provisional charge for “Larceny” was lodged against Mr J. D. L. B. before the Pamplemousses District Court.

Police objected to their release on bail and they were remanded to police cell up to 02 August 2011. They were detained at the Rivière du Rempart Police Station.

On 30 July 2011 at around 04.45 hours, the Police officer on sentry at the police station cells noticed late Mr A. K. R. lying on the floor of his cell and he was not responding to his calls. When he opened the cell door, he found that late Mr A. K. R. had hanged himself to the iron bar of the cell door with a piece of cloth from the mattress cover of the bed in the cell.

On 30 July 2011 at Rivière du Rempart Police Station, the son of the deceased one Mr V. R. has in his statement to the Police stated that he was informed of his rights and that he could seek the services of a private doctor of his own choice to assist the autopsy of his late father. He was also informed that he could retain the services of a legal adviser to assist him in the enquiry. He stated that he had no objection to the Police Medical Officer conducting the autopsy and he did not want to have the services of a private medical officer or legal adviser.

The body was sent for post-mortem examination on 30 July 2011. Prior to the autopsy, one Mr K. R., another son of the deceased was informed of his rights and the procedures before the start of the autopsy. After the deceased was undressed, the son and his uncle were allowed by the Police Medical Officer to examine the body of the deceased. In his statement, the son stated that he had not seen any marks or injuries, blood clotting nor any traces of blood over the body. He stated that he had full trust on the Police Medical Officer and he did not want to retain the services of a private doctor during the post-mortem examination.

According to the autopsy report, late A. K. R. died of “Asphyxia due to Hanging”.

The Police is investigating the death of late A. K. R. As part of the enquiry, nine Police officers who were on duty on the night of the incident have been questioned. These officers have been transferred subsequently to enable a smooth conduct of the enquiry. The five persons who were detained in the other cells have also been questioned. Police enquiry has nearly been completed and the case file will be forwarded to the Office of Director of Public Prosecutions for advice.

I am also informed that the National Human Rights Commission and the Complaint Investigation Bureau are also investigating the matter following a complaint lodged by the wife of late A. K. R. against Police officers on duty at the Rivière du Rempart Police Station.

BAIL – PAYMENT

(No. B/762) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to bail, he will –

- (a) for the benefit of the House, obtain information as to the present practical arrangements which have been made for presentation in court and the payment of bail, and
- (b) state if he has received representations for a review of the arrangements which have been made for presentation in court and the payment of bail.

Reply: In regard to part (a) of the question, section 5 of the Constitution provides that any person who is arrested or detained should be brought without undue delay before a court.

The normal practice is for the arresting party to present the suspect in court on the very day of the arrest or on the next available day. The suspect is either remanded to police cell pending enquiry or released, with or without conditions, depending on the stand of the arresting party or after a hearing has taken place.

I wish to point out that there is no “payment of bail” as such. In fact, the Bail Act provides that there are conditions which may be imposed upon the release on bail of a defendant or detainee. Thus, section 5 of the Bail Act deals with recognizance and surety and section 6 provides that the court may in relation to a serious offence impose a recognizance in money or money’s worth as a condition prior to the release of a defendant or detainee on bail. Such payments are effected at the Court Cashier’s Office on weekdays from 09.00 hours to 14.30 hours and on Saturdays from 09.00 hours to 11.30 hours. However, I am informed that, in cases where the interests of justice so require, the opening hours of the Court Cashier’s Office may be extended for late payment.

I am also informed that the current practice is for Prosecutors and Inquiring Officers to phone the Magistrates on call whenever there is any matter regarding bail, including requests in that respect from legal representatives of suspects.

In regard to part (b) of the question, representations have time and again been made in support of a review of the Bail Act. The Law Reform Commission, in its report on “Bail and other related issues”, has recommended a number of changes to be brought to the Bail Act.

Following this report, the hon. Attorney General chaired a number of meetings with representatives of my office, the Office of the Director of Public Prosecutions, the Police Department and the Ministry of Finance and Economic Development to discuss amendments to be brought to the Bail Act.

A draft Bail (Amendment) Bill has been circulated amongst stakeholders, including the Bar Council and the Judiciary and they have broadly expressed their support in relation to the changes proposed to the Bail Act.

One of the proposals contained in the draft Bail (Amendment) Bill is that it would be possible for defendants or detainees to have access to a judicial officer after office hours, on weekends and public holidays and the release on parole by a senior police officer on any day and for any offence.

Following consultation held on the draft Bail (Amendment) Bill, a correspondence was received by the hon. Attorney General from the Master and Registrar of the Supreme Court informing that the Supreme Court proposes to make arrangements, by virtue of the provisions of section 95 of the Courts Act, to have court sittings on Saturdays, Sundays and Public Holidays from 10.00 hours to 14.00 hours to deal with cases of suspects arrested during week-ends and on the eve of public holidays.

The issue of arrangements for sureties, security or recognizance would no longer be a potential obstacle to the constitutional rights of defendants and detainees. This would no doubt represent an enhanced framework and would be compliant with our commitment to access to justice and respect for human rights.

ELECTORAL REFORM

(No. B/763) Mr N. Bodha (First Member for Vacoas and Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to electoral reform, he will state where matters stand following the mission of the constitutional expert, Professor Carcassonne.

Reply: In my reply to PQ No. B/10 in March this year, I reaffirmed the commitment of my Government to move ahead with the proposed reform of our electoral system as enunciated

in the Government Programme 2010-2015, but I stressed on the need for further consultations with international constitutional experts. In this context, I also announced that I would be meeting Professor Carcassonne to have his views on the matter.

I met Professor Carcassonne during his visit to Mauritius last month. The various reports available in the country on electoral reform, including the Sachs report were made available to him. Following discussions with him, a team of three eminent international constitutional experts has been constituted to look at, and to make proposals for the reform of our electoral system. The team is headed by Professor Carcassonne himself.

Professor Carcassonne is a French constitutional expert of international repute. He is a holder of a post-graduate degree in Public Law and Political Science and a PhD in Law. He has been teaching constitutional and administrative Law, among others, at the *L'Université Paris Ouest Nanterre* and at *L'Université de Reims*. He has been a Legal Adviser to the French Prime Minister from 1988 to 1991. He was appointed as Member of the *Commission de réflexion sur la réforme du mode de scrutin* in 1992. He also formed part of the *Commission de réflexion sur la réforme du statut pénal du Président de la République*.

The other members of the team are Professor Vernon Bogdanor who is a Professor of Government at Oxford University and visiting Professor of Constitutional History at King's College, London and the third member of the team is Dr. Pere Vilanova Trias, Professor of Political Science and Public Policy at the Department of Constitutional Law and Political Science at the University of Barcelona, Spain.

The House will appreciate that these three experts have wide experience in electoral reform and are frequently consulted by foreign governments and international organisations on constitutional issues.

The terms of reference of the team are as follows –

- To make proposals for a reform of our electoral system with the following objectives

–

(i) **Stability and need to secure effective government:**

An election should allow the emergence of a majority and it is for the electorate to choose the people by whom they wish to be governed;

(ii) **Fairness:**

The proposals should address and correct the inordinate imbalances created by the First-Past-the-Post system which has frequently produced results which were grossly disproportionate to the share of votes obtained by the different parties;

(iii) Diversity:

The electoral system should help to further promote nation building and all the different components of the Mauritian population should have a fair representation in Parliament, and

(iv) Gender balance:

The under representation of women in Parliament must be addressed.

I am expecting the team to submit its report before the end of this year.

Mauritius is highly acclaimed as a model of democracy. However, Members of the House will appreciate that 44 years after independence, it is time for us to engage in a process of self-examination so as to strengthen the democratic set up of our country and ensure that the system meets the exigencies of a modern and forward-looking nation.

MR R. B. – MAURITIAN NATIONALITY/RESIDENCE PERMIT

(No. B/764) Mr S. Soodhun (Second Member for La Caverne and Phoenix) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will, for the benefit of the House, obtain from the Passport and Immigration Office, information as to if one Mr R. B. has submitted an application for the issue of the Mauritian Nationality or Residence Permit and, if so, the outcome thereof.

Reply: There is no record of a Mr R. B. having ever applied either for a residence permit or for the citizenship of Mauritius.

BUSINESS PARKS OF MAURITIUS LTD - FINANCIAL SITUATION

(No. B/769) Mr C. Fakeemeeah (Third Member for Port Louis Maritime and Port Louis East) asked the Minister of Information and Communication Technology whether, in regard to the Business Parks of Mauritius Ltd. (BPML), he will, for the benefit of the House, obtain from BPML, information as to the present financial situation thereof.

Reply: The latest audited accounts of the Business Parks of Mauritius Limited (BPML) give a complete picture of the financial situation of the company for period 01 July 2009 to 31 December 2010. The document is now of public domain.

Nonetheless, I have arranged for a copy to be laid in the Library of the National Assembly.

I am informed that even for this year, the company enjoys a sound financial position with a positive cash flow and that it is able to honour its operational commitments and obligations.

MAURITIUS FOOTBALL ASSOCIATION - ACTIVITIES

(No. B/786) Mr F. Quirin (Third Member for Beau Bassin and Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Football Association, he will state the situation prevailing thereat, indicating if same is having any impact on the activities thereof and, if so, the remedial measures he proposes to take.

Reply: As Minister of Youth and Sports, I am sad to inform the House that the conflictual situation prevailing at the Mauritius Football Association (MFA) is not what the authority and the football lovers in general expect. On several occasions I have stated that the *'dirigeants sportif'* should put aside their personal interest and manage sports as responsible Managers and as Professionals in the interest of the sport.

At present 8 members of the Managing Committee of the MFA have requested for a meeting of the Managing Committee with the following special agenda -

- (a) a motion of no confidence on the president, and
- (b) a review of the Managing Committee.

I have been informed that, initially, the Committee was supposed to meet on 03 October 2011. However, following an objection from the President same was not held. Another meeting has been convened today to debate on the motions.

Also, a Special General Assembly has been scheduled for Friday 21 October 2011 to dwell on sanctions laid on the *"Union Sportive"* de Beau-Bassin/Rose-Hill and the *"Bambous Etoile de l'Ouest"*.

So far, the only immediate impact on activities of the MFA has been a delay in the implementation of Football Calendar for season 2011-2012 which was scheduled to start on 14 October 2011. A decision relating thereto will be reached following the meeting scheduled for the 21 October 2011.

I wish to reassure the House that my Ministry will intervene as and when required in accordance with provisions of the Sports Act.

MAURITIAN WEIGHTLIFTERS - PERFORMANCE

(No. B/787) Mr F. Quirin (Third Member for Beau Bassin and Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritian Weightlifters, he will state the actions taken to give a new boost to this sport discipline, in view of the performance thereof during the last Indian Ocean Games held in the Seychelles.

Reply: The House is aware that the performance of the Mauritian weightlifters at the IOIG 2011 has been far below expectations. That too, despite the full financial and technical support from my Ministry.

I have personally requested the Federation to submit an official Evaluation and Technical Report on the performance of our weightlifters at the IOIG.

My Ministry is keeping a close watch on the matter as the responsibility for the promotion of the sport rests with the Federation. I understand that the Federation will soon be holding a seminar to develop its new strategic plan with a view to boosting the practice of the sport throughout the island.

My Ministry has noticed certain shortcomings in the training offered by the Federation. Training was being dispensed at only two out of the five training centres, namely, Vacoas National Training Centre and the Curepipe Regional Training Centre. My Ministry has assisted the Federation in the training of five Regional Coaches out of whom one is a lady. This will enable all the five training centres to be operational and thereby cater for a larger number of weightlifters.

I am also informed that contacts have been made with the respective authorities in Turkey, People's Republic of China and Cameroun to obtain the services of a "Directeur Technique National".

PLAZA MUNICIPAL THEATRE - RENOVATION

(No. B/788) Mr D. Nagalingum (Second Member for Stanley and Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the renovation of the Plaza Municipal Theatre, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to where matters stand.

Reply: I wish to refer the hon. Member to the reply made on 31 May 2011 by the former vice-Prime Minister, Minister of Finance and Economic Development to Parliamentary Question B/451 on this issue.

I am now informed that the phase II of the project for the renovation of the Plaza Theatre relating to the renovation of the Façades, the Salles des Fêtes and the Administrative Wing of the building at the estimated cost of Rs67 m. and which has been recommended by the Project Plan Committee, has been approved by the Government.

I am further informed that the request for the provision of the required funds for phase II of the project is still under consideration at the level of the Ministry of Finance and Economic Development.

ROSE HILL MUNICIPAL MARKET - CONSTRUCTION

(No. B/789) Mr D. Nagalingum (Second Member for Stanley and Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the Rose Hill Municipal Market, he will state if he has been informed of the bad state thereof and of the unhygienic conditions prevailing thereat and, if so, will he, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if consideration will be given for the pulling down of the existing building and the construction of a new modern market.

Reply: I am informed by the Municipal Council of Beau Bassin-Rose Hill that the question of pulling down of the Rose Hill Market does not arise as the building is in good state.

VALLÉE D'OSTERLOG ENDEMIC GARDEN FOUNDATION - ACTIVITIES

(No. B/790) Mr M. Seeruttun (Second Member for Vieux Grand Port and Rose Belle) asked the Minister of Agro-Industry and Food Security whether, in regard to the Vallée d'Osterlog Endemic Garden Foundation, he will state the –

- (a) number of people employed on its setting up and the number of employees currently in employment thereat;
- (b) details of the sources of funding thereof, and
- (c) outcome of the activities carried out thereat as at to-date.

(Withdrawn)

MORCELLEMENT BOARD - MR I. S. - APPLICATION

(No. B/791) Mrs S. Hanoomanjee (Second Member for Savanne and Black River) asked the Minister of Housing and Lands whether he will, for the benefit of the House, obtain from the Morcellement Board, information as to if Mr I. S. has submitted an application for the issue of a Morcellement Permit in respect of a plot of land in Henrietta, Vacoas and, if so, when.

(Withdrawn)

DRUGS - FICTITIOUS PRESCRIPTIONS

(No. B/792) Mrs S. Hanoomanjee (Second Member for Savanne and Black River) asked the Minister of Health and Quality of Life whether he will state if he has been informed of a traffic of fictitious prescriptions involving doctors and pharmacists and, if so, will he state if an inquiry has been carried out thereinto, indicating the outcome thereof.

Reply: I wish to inform the House that on 21 March 2011, a pharmacy consultant working at the medical claims department of an insurance company requested my Ministry to verify certain transactions regarding the sale of expensive drugs at two pharmacies.

On 14 April 2011, based on the information received from the pharmacy consultant of the insurance company, officers of my Ministry carried out a preliminary inquiry at the level of the wholesale pharmacy, which is the importer of the drugs concerned, and the two retail pharmacies. The inquiry revealed that no sale of the concerned drugs was made by the wholesale pharmacy to the two retail pharmacies.

The outcome of the inquiry was communicated to the pharmacy consultant of the insurance company on 19 April 2011.

It was only four months later that the pharmacy consultant wrote to my Ministry again, requesting verification of receipts of expensive drugs sold in certain retail pharmacies, which included the previous two retail pharmacies, as well as copies of prescriptions against which these drugs were sold.

From inspections of these receipts and prescriptions, it appeared that there were suspicious transactions going on between the patients, the pharmacists and the doctors. The matter was presented to the Pharmacy Board on 9 September 2011 for advice.

The Pharmacy Board considered that fraudulent transactions were going on and therefore recommended that this matter be referred to the Police by the insurance company for further investigation.

The pharmacy consultant was advised accordingly on 15 September 2011.

I wish to inform the House that very recently, my Ministry has received another complaint from a group of pharmacists concerning the sale of psychotropic substances, cough syrup, misoprostol (Cytotec) and steroids by a private pharmacy. An inquiry has already been initiated by my Ministry.

**SERVICE TO MAURITIUS & CAPACITY BUILDING PROGRAMMES -
FOREIGN AND LOCAL CONSULTANTS**

(No. B/793) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Service To Mauritius and the Capacity Building programmes, he will state -

- (a) the total implementation cost thereof, as at to date, giving a list of the foreign and local consultants recruited, indicating in each case, the nationality, salary, qualifications, experience, conditions of contract and date of appointment;
- (b) if an assessment thereof and the impact thereof in terms of results achieved and opportunity cost have been carried out, and
- (c) if same will be revisited with a view to providing opportunities to long term employment to local graduates.

Reply: With regard to part (a) of the question, the information requested is being compiled.

As far as part (b) of the question is concerned, all the persons employed under the Capacity Building Programme are assessed at individual level. The interns under the Service to Mauritius programme are assessed through a quarterly evaluation of their work by their respective managers.

The fact that there is increased demand from Ministries and Departments for both programmes, tends to indicate that they provide value addition.

However, we are seeking a more formal assessment of both programmes. This task was entrusted to a Specialist. However, with the shifting of some staff and functions from my Ministry to the Office of Public Sector Governance under the Prime Minister's Office, the specialist was transferred and the exercise has not been completed. After the Budget, we plan to complete the exercise and expect the overall findings to be positive with possible suggestions for improvements.

With regard to part (c) of the question, neither programme is designed to provide long term employment. The Capacity Building Programme is a channel for securing "consultancy services" to address capacity constraints for a defined task. Since service providers are selected on the basis of a tender, this generally favours Mauritians. In fact, my Ministry has procured the services of 22 service providers out of which only 4 are foreigners since the launching of the programme in 2008.

Regarding the STM Programme, it is aimed at attracting bright graduates to contribute new ideas to the public sector. Whilst the programme is open to all, in practice almost all interns are Mauritian. For example, my Ministry currently has 18 interns consisting of only 2 foreigners and 16 Mauritians, including 2 laureates. Most interns have moved on to attractive employment in the private or public sectors.

Further, I am informed that the Scholarship Schemes will be revised to provide more opportunities to laureates and beneficiaries of bursaries to be recruited under the Service To Mauritius Programme. They would be automatically selected to join the programme and would not be subjected to the normal selection exercise.

STC - BETAMAX LTD. - CHARTERING CONTRACT

(No. B/794) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the chartering contract with Betamax Ltd., he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the -

- (a) daily freight charge, indicating if the charge is paid irrespective of the amount of oil transported;
- (b) amount of port dues, taxes and bunkering in respect of each trip effected by the tanker, and

(c) cost of demurrage per day.

(Withdrawn)

EMPLOYMENT RIGHTS ACT - AMENDMENTS

(No. B/795) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the Employment Rights Act, he will state if Government proposes to bring amendments thereto, to be in line with the recent judgment of the Industrial Court in the case of Edo v/s United Bus Service Ltd.

Reply: I would like to inform the House that in the judgement delivered by the Industrial Court in the case of Edo v/s United Bus Service Ltd., the learned Magistrate has found that the gratuity on retirement payable to Mr Edo has been correctly calculated by his employer on the basis of his basic salary only. However, the Court has made an observation to the effect that the provisions of the repealed Labour Act regarding payment of gratuity on retirement were more favourable to the worker than those of the Employment Rights Act and that legislation reform is required.

The hon. member may wish to know that in the proposed amendments to the Labour Legislation which are presently being discussed with stakeholders, consideration has already been given to provide clearly for gratuity on retirement to be computed on the basis of last remuneration of a worker or in the manner best calculated to give the rate at which the worker was being remunerated, including overtime payment, over a period not exceeding 12 months prior to his retirement, whichever is the higher.

LOCAL GOVERNMENT BILL - INTRODUCTION

(No. B/796) Mr S. Soodhun (Second Member for La Caverne & Phoenix) asked the Minister of Local Government and Outer Islands whether, in regard to the proposed introduction of the new Local Government Bill, he will state where matters stand.

(Withdrawn)

PRIMARY SCHOOLS - CHILDREN WITH DISABILITIES - FACILITIES

(No. B/797) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Education and Human Resources whether, in regard to the children with disabilities in primary schools, he will state the facilities provided to them thereat.

Reply: I wish to refer the hon. Member to the reply I made in the House to PQ IB/657 wherein I highlighted this Government's moral and ethical obligation to provide equal opportunities and quality education to all so that no child of the Republic is left out. I also dwelt on the various measures being taken by my Ministry to facilitate the education of children with special needs.

Let me point out that according to latest statistics, as at March, 2011, some 1800 children are enrolled in 42 schools and Day Care Centres run by NGOs registered with my Ministry and in 5 Specialised Units operational in Government Primary Schools and also one SEN school run by Government in Stanley, Rose Hill.

The needs of children with severe disabilities are mostly catered for by the NGOs whereas those with mild disabilities are admitted in mainstream Government primary schools.

With a view to ensuring that no child with special needs is deprived of education, my Ministry has since last year started a procedure for the registration of children above the age of 5 years requiring special educational needs in order to enable us to admit these children in an appropriate school where specific facilities best adapted for their education, are available. Following this exercise in 2010, some 65 children, who would have otherwise stayed at home, have been identified and admitted in schools adapted to their needs.

A Press Communique is now regularly issued at the end of the school year requesting parents having children with special education needs to register them in the nearest school of their locality. This year, the communique has already been issued for registration to take place on 24, 25, 27 and 28 October 2011 i.e. next week.

With regard to children with mild disabilities admitted in primary schools, my Ministry is currently providing the following facilities -

- (a) library services, science laboratories and computer rooms that are located on the ground floor;
- (b) classrooms that include pupils suffering from disabilities or physical impairments are also located on the ground floor;
- (c) there is flexibility to release pupils with disabilities earlier than other students so that they do not face any movement difficulties;
- (d) ramps and handrail facilities and adapted toilet(s) are being provided in a phased manner in primary schools;

- (e) children with disabilities are benefitting from extra time for the CPE examination, and
- (f) enlarged print school books/manuals and question papers are produced for children suffering from visual impairment

Furthermore, a flexible approach is being adopted to allow parents who wish to call at schools during the day to provide any assistance that may be necessary for their disabled children.

Equity of access to education remains high on the agenda of this Government and all efforts are being deployed to ensure that children with special needs benefit from appropriate education.

Furthermore, with a view to implementing the national policy and strategy for the SEN Sector, my Ministry has now already obtained the assistance of the European Union for Consultancy Services to make an assessment of the situation obtaining for SEN and to make recommendations with regard to -

- (i) appropriate curriculum and pedagogy;
- (ii) capacity building;
- (iii) regulatory framework;
- (iv) Quality Assurance Mechanism, and
- (v) setting of SEN Resource Centres.

With a view to reaching out children with special needs throughout the island and providing to them specialised services (including counseling, therapies and medical support), my Ministry will be setting in a first phase 3 SEN Resource Centres at Ferney, Beau Bassin (Maingard) and Plaine des Papayes respectively. These are expected to be operational in 2012.

AUTOMATIC SYSTEMS LTD & GLOBAL SPORTS LTD – POOLS - COMBINATION

(No. B/798) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the vice-Prime Minister, Minister of Finance and Economic Development asked the whether, in

regard to pools of Supertote and Tote Lepep, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to if the latter has approved the commingling thereof and, if so, indicate the conditions attached thereto.

Reply: I am informed by the Gambling Regulatory Authority (GRA) that the Authority has, on 05 October 2011, issued a letter of authorisation under section 39 of the GRA Act for combination of pools between the Automatic Systems Ltd and Global Sports Ltd according to the agreed undertakings given by both companies to the Competition Commission of Mauritius.

I am tabling for information of the House copy of –

- (i) the letter of authorisation issued by the GRA, and
- (ii) the decision of the Commissioners of the Competition Commission where the principle undertakings made by the two companies to the Commission are stated.

MAURITIUS TELECOM – EMPLOYEES - REPRESENTATIONS

(No. B/799) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the Minister of Information and Communication Technology whether, in regard to the Mauritius Telecom, he will state if he has received representations from the employees thereof with regard to their conditions of service and, if so, the measures he has undertaken or proposes to take in relation thereto.

Reply: Some employees of Mauritius Telecom Ltd have made oral representations to me on several occasions to the effect that they were having problems regarding their conditions of employment, namely, that they were being employed on contractual basis for very long periods of time and they consider that they should instead be appointed on the permanent and pensionable establishment. They also made representations about the effective date of implementation of the Appanah Report, which should, according to them, be July 2008 instead of January 2011, although they did not exercise the option in 2008.

In the face of these representations, I propose to take up the matter officially with the Management of Mauritius Telecom Ltd and eventually with the Board of Directors.

BASIC RETIREMENT PENSION - INCREASE

(No. B/800) Mrs L.D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the **recipients** of the Basic Retirement Pension, he will state the quantum of increase that will be granted thereto, as from January 2012.

Reply: Beneficiaries of the Basic Retirement Pension (BRP) will also be compensated, as from January 2012, for increase in cost of living which is estimated at 6.6 percent. The quantum worked out is as follows –

- (i) for those between 60 and 89 years, they will be paid a monthly pension of Rs3,350 representing an increase of Rs204;
- (ii) for those between 90 and 99 years, they will obtain a monthly pension of Rs9,975 representing an increase of Rs618, and
- (iii) for the centenarians, they will be paid at the rate of Rs11,320 per month, i.e. an increase of Rs699.

JIN FEI PROJECT - UTILITIES AND INFRASTRUCTURAL WORKS - FUNDS DISBURSED

(No. B/801) Mr A. Ganoo (First Member for Savanne & Black River) the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Jin Fei Project, he will state -

- (a) the amount of funds disbursed by Government for utilities and infrastructural works, since December 2010 to date, and
- (b) if on-site construction works have started.

Reply: With regard to part (a) of the question, I am informed that funds disbursed for utilities and other off site infrastructural works from December 2010 to date amount to Rs225.7

m. The House may wish to note that Jin Fei has committed to a contribution of Rs100 m. for these works. As to date Jin Fei has paid Rs 50m. to Government.

As far as part (b) of the question is concerned, I am informed that the promoters have invested nearly Rs600 m. in the project for the onsite infrastructure development. Indeed, the promoters have already completed construction works for on-site utilities (electricity, water and wastewater) as well as on-site infrastructure, including 7 kms of internal road network.

Jin Fei has also recently obtained from the Pamplemousses/Rivière du Rempart District Council a Building and Land Use Permit for the construction of a warehouse of 5000 m². The promoters have indicated that construction work is expected to start shortly.

OVERSEAS TREATMENT SCHEME - TECHNICAL COMMITTEE - QUANTUM

(No. B/802) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Health and Quality of Life whether, in regard to patients who cannot be operated in Mauritius and who require to be operated overseas, he will state the number thereof, since August 2008 to-date, indicating if -

- (a) the Technical Committee set up to review the Overseas Treatment Scheme has recommended any increase in the quantum of the financial aid granted to them and, if so, indicate the quantum thereof and when same will be implemented, and
- (b) any other facilities are granted to them.

(Withdrawn)

SSR INTERNATIONAL AIRPORT – EMBELLISHMENT - CONTRACT

(No. A/272) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the carrying out of embellishment works at the entrance of the Sir Seewoosagur Ramgoolam International Airport, he will, for the benefit of the House, obtain from Airports of Mauritius Ltd., information as to the -

- (a) name of the contractor;
- (b) contract value, and
- (c) scope of works thereof.

Reply: Concerning part (a) of the question, the then Ministry of Environment and National Development Unit launched an open bidding exercise for embellishment works at the entrance of the SSR International Airport. The contract was awarded to Le Dophin Construction Ltd.

As regards part (b), the contract value, inclusive of VAT was Rs 7,721,560.

As regards part (c), the scope of works was -

- removal of existing kerbs at central verge;
- construction of flower boxes at central verge;
- planting of 1100 palm trees on both sides of road and along;
- planting of intermediate decorative and flowering plants, and
- provision of 100 water points.

AIRPORTS OF MAURITIUS LTD – EMPLOYEES - RECRUITMENT

(No. A/273) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the recruitment of employees by Airports of Mauritius Ltd., he will, for the benefit of the House, obtain from the company, a list of the recruits, since 2010 to date, indicating in each case the name, residential address, job title and basic salary and the recruitment method used.

Reply: The Airports of Mauritius Limited, as any company governed by the Companies Act, and its Constitution, has its own internal procedures to recruit its personnel. The management of the company is vested in its Directors and its Management. It would, therefore, not be appropriate for me to embark on a debate about human resource or labour issues in the company which fall under the responsibility of senior management and Board of Directors.

BEAU BASSIN - ZEBRA CROSSING AREAS - ACCIDENTS

(No. A/274) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the zebra crossing areas, at the level of the Police Station and the market, along the Royal Road in Beau Bassin, he will, for the benefit of the House,

obtain from the Commissioner of Police, information as to the number of reported cases of road accident thereat, over the past three years, indicating the -

- (a) number of fatal ones, and
- (b) measures that will be taken to prevent road accidents thereat.

Reply: There are two zebra crossings along the Royal Road in Beau Bassin. One is located near the market, and the other near the Taxi stand.

Over the past three years four road accidents have occurred at the zebra crossings along the Royal Road in Beau Bassin and were reported to the Police. One accident occurred at the level of the Police station, and three others at the level of the market.

In regard to part (a) of the question, in one of the accidents one person was killed, and in the remaining ones three persons were injured.

In regard to part (b) of the question, the following measures have been taken to prevent road accidents at these places -

- (i) Police patrol has been intensified between 0800 hours and 1800 hrs in front of the Beau Bassin Police station;
- (ii) Police is carrying out regular checks on both ways along the Royal Road in Beau Bassin to discourage speeding of vehicles and to sensitise drivers;
- (iii) The Traffic Management and Road Safety Unit has re-painted the road markings, including pedestrian crossings following a request made by the Police, and
- (iv) Raised footpaths with handrails have been constructed along the road, on the frontage of the existing Taxi stand and up to the access to the Beau Bassin Police station to enhance road safety.

The following additional measures will be implemented by the Traffic Management and Road Safety Unit to further enhance road safety in that region -

- (i) The pedestrian crossing near the Beau Bassin Market will be provided with traffic lights; and
- (ii) Belisha Beacons orange flashing lights will be installed at all the pedestrian crossings around the island.

BAIL – CIRCULAR LETTER 04.07.11

(No. A/275) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications

whether, in regard to bail, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of persons who -

(a) have been refused bail, and

(b) are presently on remand, following the circular letter dated 4 July 2011

of the Commissioner of Police addressed to the Divisional Commanders and Branch Officers.

Reply: On 09 August 2001, CP Circular 30/2001 was issued to the Police Force regulating the bail procedures according to Bail Act 1999. In fact, prior to the issue of this circular, Police Prosecutors were taking verbal instructions from superior officers to resist or not to resist bail and consequently, no such superior officer could be held responsible for instruction so given.

The circular, therefore, aimed at holding a superior officer directly responsible for any such instruction which had to be given in writing on forms specially designed for the purpose.

The CP Circular dated 4 July 2011 was issued in light of a ruling in a court case to the effect that the prosecution has to give oral evidence to substantiate the grounds of objection to bail instead of documentary evidence.

The Commissioner of Police has informed that since 04 July to 13 October 2011, Police objected to release on bail in respect of 288 persons, out of whom 240 persons were refused bail by the court and who were subsequently placed on remand.

BAIL RELEASE – WEEKEND/PUBLIC HOLIDAYS

(No. A/276) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of persons who have been released on bail on a Saturday by a District Magistrate, since January 2011 to-date.

Reply: Section 12 of the Bail Act 1999 provides for the Police to release a detainee on parole provided the detainee has been arrested for an offence, other than a serious one, and is likely to spend the weekend in custody before his/her first appearance before a Magistrate in court.

For serious offences such as those punishable by penal servitude and those falling under the provisions of the Dangerous Drugs Act, the Police are not empowered to release detainees on

parole. In such circumstances, a Weekend Custody Magistrate, who is a District Magistrate, remains on call during the weekend or public holidays for the release of detainees on parole. On the next working day, the detainee appears in court for bail formalities.

In exceptional circumstances, the Weekend Custody Magistrate may conduct a special sitting of the court on Saturday for the hearing of the bail cases.

The Police have informed that since January 2011 to date, two persons were released on bail by a District Magistrate on Saturday.

BLUE BAY POLICE STATION - CONSTRUCTION

(No. A/277) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the construction of a new Police Station at Blue Bay, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to -

- (a) when construction works are expected to -
 - (i) start, and
 - (ii) be completed, and
- (b) if provision has been made for cells and, if so, indicate the number thereof.

Reply: Bids received for the construction of a new Police Station at Blue Bay are presently being evaluated. Works are expected to start in December 2011 and scheduled to be completed by July 2012.

- (b) Two cells will be provided for in the new Police Station.

POLICE VEHICLE – ROAD ACCIDENT – 11 MARCH 2008

(No. A/278) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Police vehicle bearing the registration number 5630 DC 05, which was involved in a road accident, on or about 11 March 2008, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand as to the inquiry carried out thereinto.

Reply: The Commissioner of Police has informed that enquiry into the matter has been completed.

In line with the advice of the Director of Public Prosecutions, disciplinary proceedings have been initiated against four Police Officers under Regulation 35 of the Disciplined Forces Service Commission.

The matter has been referred to the Disciplined Forces Service Commission for a decision.

AIL DORE STREET, PORT LOUIS - TRAFFIC CONGESTION

(No. A/279) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Ail Doré Street, Port Louis, he will state if he has been informed of traffic congestions occurring thereat due to the narrowness thereof and, if so, indicate if consideration will be given for the conversion thereof into a one-way street.

Reply: Ail Doré Street is a two-way road and is 5.00 m wide on the average. It is densely built-up on both sides with predominantly commercial buildings. The commercial activities attract vehicles which are often parked in a disorderly and careless manner on both sides of the road, thus resulting in obstruction to the free flow of traffic.

The Traffic Management and Road Safety Unit of my Ministry has carried out several site visits to assess the traffic condition. It has recommended that the conversion of the said street into one-way will cause great inconvenience to residents to get in or out of their residences.

Moreover, such measure would require vehicles to use the other adjacent roads to link with Ail Doré Street. As these roads are essentially residential ones, relatively narrow and have very poor geometry they are unsuitable to be used as link roads.

In the light of the findings, appropriate alternative arrangements are being contemplated including the prohibition of parking on one side of the road to improve the traffic flow.

PALMA ROAD - BUS SHELTERS

(No. A/280) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether he has received representations from the public for the construction of bus stop shelters from the region of Gangasingh, along the Palma Road, up to the region, commonly known as Fanta, and for the provision of sitting accommodation at the bus stop at the Candos stadium and if so, indicate if consideration will be given thereto.

Reply: Although no representations from the public have been received, my officers have conducted surveys in Quatre Bornes, among others, in line with the road safety and security campaign of my Ministry.

Two locations have been identified for the construction of bus shelters at the existing bus stops. Provision is being made in the next budget for the construction of new shelters.

As far as sitting accommodation at the bus stop at Candos Stadium is concerned, the Local Authority shall be requested to consider providing this facility, since the bus shelter thereat falls under their responsibility.

DOMAINE LES PAILLES – RESTAURANTS – PROFIT/LOSS

(No. A/281) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the *Domaine Les Pailles*, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to the profit or loss realized by each of the restaurants thereat, as the case may be, since 2005 to date, on a yearly basis.

Reply: The operating loss incurred by each of the restaurants at Domaine Les Pailles since 2001 to date are hereunder -

Operating Loss	Restaurant Indra Rs	Restaurant Fu Xiao Rs	Restaurant Clos St. Louis Rs.	Restaurant Cannelle Rs.	Restaurant Dolce Vita Rs.
Year Ended 30 June 2001	(3,581,115)	(2,840,682)	(1,639,186)	(11,452)	(3,411,260)
Year Ended 30 June 2002	(3,929,036)	(2,187,695)	(2,117,077)	(887,272)	(3,585,649)
Year Ended 30 June 2003	(7,610,535)	(5,067,774)	(4,514,336)	(4,083,927)	(6,262,688)
Year Ended 30 June 2004	(4,405,681)	(3,450,278)	(2,577,791)	(1,963,343)	(4,097,365)
Year Ended 30 June 2005	(6,978,635)	(5,086,789)	(4,033,776)	(3,070,630)	(6,578,813)

Year Ended 30 June 2006	(7,557,512)	(5,347,599)	(4,341,771)	(3,792,351)	(6,708,813)
Year Ended 30 June 2007	(4,254,146)	(3,264,138)	(2,124,685)	(1,574,120)	(4,253,956)
Year Ended 30 June 2008	(5,437,998)	(3,984,842)	(3,407,374)	(3,407,711)	(5,575,195)
Year Ended 30 June 2009	(6,350,230)	(4,733,194)	(4,777,497)	(5,153,801)	(6,578,800)
Year Ended 30 June 2010	(4,709,100)	(4,200,581)	(4,309,369)	(3,225,147)	(5,174,333)
Period July to December 2010	(2,362,431)	(1,864,909)	(1,566,175)	(1,605,698)	(2,110,924)

BEAU BASSIN AND PETITE RIVIÈRE – PROJECTS

(No. A/282) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Constituency No. 20, Beau Bassin and Petite Rivière, he will give a list of the ongoing works, indicating in each case, the -

- (a) location;
- (b) scope of works;
- (c) cost estimate, and
- (d) dates of start and completion of works.

Reply: The following is a list of projects on the agenda of the Ministry of Public Infrastructure, National Development Unit, Land Transport and Shipping for 2011 for the Constituency No. 20, Beau Bassin and Petite Rivière -

S.No.	Project/Scope of Work	Location	Project Value (Rs)	Starting date/ Completion Date	Status
1.	Construction of Jannaza platform	St Martin	4.6M	17.05.10 31.11.11	95% complete
2.	Upgrading of Road Network Beau Bassin Prison	Beau Bassin	23M	21.07.11 22.12.11	15% complete

3.	Maingard Football ground	Maingard	3.5M		Site cleared. Tender being launched October 2011
4.	Resurfacing of Road Avenue Marlin Avenue Baleine	Albion	2.2M		Tender being launched October 2011
5.	Construction of drains at Pave d'Amour	Coromandel	5.0M		Tender will be launched November 2011
6.	Children's playground Splendid view	Albion	1.5M		Tender to be launched December 2011
7.	Road resurfacing – Meldrum	Beau Bassin	2.7M	02.02.11 31.03.11	Completed
8.	Cleaning and Upgrading of drains	At KFC & FTP, Beau Bassin	3M	06.04.11 30.06.11	Completed
9.	Cleaning of 120 metres drain	Nr Beau Bassin Police Station towards Tang Supermarket	150,000	06.04.11 31.05.11	Completed
10.	Reinstatement of faded road markings	B Bassin from KFC to Tulsi Shyam Mandir	150,000	08.09.11 20.09.11	Completed

11.	Construction of drains	P aux Sables nr Kovil	730,000	12.04.11 30.05.11	Completed
12.	Construction of 550 metres drains and resurfacing works over 250 metres at junction of roads Merle and Cerises	P aux Sables	9.9M	28.04.11 30.06.11	Completed
13.	Upgrading of footpath and construction of drains along Albion Road	Albion	2.2M	03.05.11 30.09.11	Completed
14.	Road and drain repair along A3 at Junction Richelieu and La Tour Koenig Roads	Richelieu	400,000	18.07.11 30.10.11	Ongoing
15.	Fixing of handrails and construction of footpath – Government School	Albion	1.5M	24.10.11 25.11.11	Ongoing
16.	Fixing of handrails along Black River Road A3	Canot	478,000	17.10.11 18.11.11	Ongoing
17.	Construction of Bus Shelters (2 units)	Petite Riviere	115,000	May 2010 Oct 2011	Ongoing
18.	Construction of Bus Shelter (1 unit)	Albion	144,000	May 2010 Oct 2011	Ongoing
19.	Construction of 200 mts drains,	Albion	4,235,000	Oct 2011	Ongoing

	100 m2 footpath and 200 mts handrails nr school – 200m			Jan 2012	
20.	Guardrails – 112 mts	Albion	275,000	July 2011 Oct 2011	Ongoing
21.	Guardrails – 250 mts	Chebel	615,250	Aug 2011 Oct 2011	Ongoing
22.	Handrails – 50 mts	Beau Bassin	265,000	Aug 2011 Oct 2011	Ongoing
23.	Guardrails – 200 mts	St Martin	492,200	Oct 2011 Jan 2012	Ongoing
24	Renovation of Ward 10 at Brown Sequard Mental Health Care Centre	Beau Bassin	2.5M	26.01.11 17.09.11	Completed
25.	Renovation of Ward 11 at Brown Sequard Mental Health Care Centre	Beau Bassin	4,025,000	26.01.11 24.09.11	Completed
26.	Renovation works to ward 13 of Brown Sequard Mental Health Care Centre	Beau Bassin	1,2M	28.03.11 27.07.11	Completed
27.	Renovation works to ward 1 (male) of Brown Sequard Mental Health Care Centre	Beau Bassin	4,1M	18.04.11 17.08.11	Completed
28.	Renovation works to Ward 23 (Female) of Brown Sequard Mental Health Care Centre	Beau Bassin	4,1M	26.07.11 30.11.11	Ongoing
29.	External repair of cracks and painting - Brown Sequard	Beau Bassin	1M	10.08.11 09.12.11	Ongoing

	Mental Health Care Centre				
30.	Leakage at National Table Tennis Centre - Replacement of gutter	Beau Bassin	1,625,000	22.08.11 12.12.11	Ongoing
31.	Renovation and sandblasting works - Prison	Beau Bassin	975,000	22.08.11 05.12.11	Ongoing
32.	Construction of Additional Classrooms - Petite Riviere Government School	Petite Riviere	3,132,317	08.08.11 15.12.11	Ongoing
33.	Construction of 3 classrooms & toilet block – Govinden G.S.	Beau Bassin	8,870,000	19.07.11 16.11.11	Ongoing
34.	Construction of a pre-primary unit, 3 classrooms, staircase & children playground – Barkly GS	Beau Bassin	7,280,000	09.02.11 Nov 2011	Ongoing
35.	Construction of medical unit and enlargement of gate at women's prison	Beau Bassin	4,270,000	18.09.10 Oct 2011	Ongoing
36.	Installation of external water reticulation system – B Sequard Hosp.	Beau Bassin	35.1M	20.08.10 Oct 2011	Ongoing
37.	Construction of additional classroom – J. Koenig GS	Beau Bassin	2.2M	24.10.11 23.03.12	Ongoing
38.	Construction of additional classroom – Richelieu GS	Richelieu	2.9M	15.08.11 15.01.12	Ongoing

39	Construction of additional classroom – Petite Riviere GS	Petite Riviere	3.1M	08.08.11 15.12.11	Ongoing
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CANOT VILLAGE & LA CONFIANCE, MAINGARD - FOOTBALL GROUNDS

(No. A/283) Mr R. Bhagwan (First Member for Beau Bassin and Petite Rivière) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the new football grounds at Canot Village and La Confiance, Maingard, in Beau Bassin, he will, in each case, state -

- (a) the dates of start and completion of works;
- (b) the amount budgeted therefor, and
- (c) if lighting facilities are included in the scope of works.

Reply: In reply to PQ A/21 of 22 March 2011, we informed that negotiation with Medine Sugar Estate to avail of a plot of land for the purpose of a football ground at Canot village has not been fruitful. The NDU and the District Council will continue efforts to obtain a plot of land for the football ground. The status to date is *status quo* and we continue efforts to obtain a plot of land for the said purpose.

With regards to football ground at Maingard, the land has already been cleared and NDU is about to launch tenders for its construction which is estimated to cost around Rs3.5m.

The lighting will form part of a 2nd phase subject to Municipality of Beau Bassin/Rose Hill requesting same and taking responsibility for its running costs and maintenance.

MUNICIPAL COUNCIL OF VACOAS/PHOENIX - MAYOR'S FUND – BENEFICIARIES

(No. A/284) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Minister of Local Government and Outer Islands whether, in regard to the Mayor's Fund, he will, for the benefit of the House, obtain from the Municipal Council of Vacoas/Phoenix, a breakdown thereof, since March 2011 to date, indicating, in each case the -

- (a) names of the beneficiaries;
- (b) quantum thereof, and
- (c) purpose therefor.

Reply: I am informed by the Municipal Council of Vacoas/Phoenix that there is no Mayor's fund but a code of expenditure known as Entertainment Expenses which cater for expenses related to -

- Election of Mayor and Deputy Mayor;
- End of year dinner;
- Refreshments served during Council/Committee meetings as well as to guests/personalities calling at the Council and water provided daily to Senior Officers.

I am informed that the expenses incurred under this code during period 01 March 2011 to date are as follows -

- (i) refreshments served during Council/Committee meetings as well as for guests/personalities calling at the Municipal Council and water provided daily to Senior Officers for the amount of Rs127,312, and
- (ii) purchase of wreaths for the amount of Rs9900.

CEB - FORT VICTORIA RE-DEVELOPMENT PROJECT

(No. A/285) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Fort Victoria Re-Development Project, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the make and cost of the two 15 MW diesel engines installed thereat, indicating if penalty charges have been paid in respect thereof and if so, the –

- (a) amount thereof, and
- (b) reasons therefor.

Reply: I am advised by the CEB that the two medium speed diesel engines of 15 MW each of make Wartsila engine type 16 V 46 were designed, constructed and delivered within the contractual completion time. I am further advised that there have been no penalty charges

MONT ROCHES - VERGER-BISSEMBAR – WASTE WATER ACCUMULATION

(No. A/286) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière) asked the Minister of Environment and Sustainable Development whether, in regard to the Verger-Bissembar area at Mont Roches, he will state if he has been informed of accumulation of waste water thereat, thereby representing health and security hazards and, if so, will urgent remedial actions be taken.

Reply: I wish to refer the hon. Member to the reply I made to PQ No. 1A/79 on 17 August 2010.

I am informed by the Wastewater Management Authority that a survey carried out in May 2011 has revealed the houses are located in a low lying area with a complex topography. A detailed topographical survey has to be carried out to determine the best course of action for the construction of sewer pipelines to connect the region to the trunk main.

BOIS GOYAVE ROAD & D'EBENE ROAD – RESURFACING

(No. A/287) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Local Government and Outer Islands whether, in regard to the resurfacing of the Bois Goyave Road, the Bois d'Ebene Road and the other roads, opposite the *La Bonne Chute Restaurant*, in La Preneuse, in Constituency No.14, Savanne and Black River, he will state where matters stand.

Reply: I am informed that the project for the resurfacing of the Bois Goyave Road, the Bois d'Ebene Road and the other roads opposite the *La Bonne Chute Restaurant* in La Preneuse in Constituency No. 14, Savanne and Black River which will cost around Rs10 m. has been approved by the National Development Unit.

I am informed that bid documents are under preparation and the bidding exercise will be launched as soon as same will be finalised.

LOCAL ARTISTS/MINISTRY OF ARTS & CULTURE – BUDGETARY CONSULTATIONS

(No. A/288) **Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Arts and Culture whether, in regard to the presentation of the next budget, he will state if he has held meetings with the local artists with a view to assessing their needs and, if so, when, indicating the outcome thereof and, if not, why not.

Reply: As part of its policy review and implementation exercise and in the context of budgetary consultations, formal and informal meetings with stakeholders in the cultural industry are held on a regular basis.

For the forthcoming budget, proposals have been received in respect of the review of the Copyrights Act with focus on rights of artists, consolidation of the cultural industry, inclusion of arts, culture and heritage for support from Corporate Social Responsibility (CSR), enhancement of incentives to boost creativity, marketing of cultural products, international exposure to improve capacity building, increase in cultural infrastructure for training, rehearsals and outdoor performances.

These proposals will be considered within the framework of the budgetary exercise taking into consideration the economic situation.

MUNICIPAL COUNCILS - STOCKS & DEBTS

(No. A/289) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Local Government and Outer Islands whether, in regard to the Municipal Councils, he will, for the benefit of the House, obtain from each Council, for the financial year 2009, information as to –

- (a) the total amount of stocks and debts;
- (b) the percentage of the debts that have been written off, indicating the reasons therefor,
and
- (c) if discrepancies have been noted in the final account for 2009 and, if so, the reasons therefor.

Reply: The information requested by the hon. Member is being placed in the Library of the National Assembly.

INFORMATION AND COMMUNICATION TECHNOLOGY AUTHORITY - ADVISERS

(No. A/290) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Information and Communication Technology whether, in regard to the full time and

part-time legal advisers whose services have been retained and approved, since 2007 to date by the Information and Communication Technology Authority, he will, for the benefit of the House, obtain from the Authority, information in each case, as to –

- (a) their names, date of appointment, terms and conditions of appointment and the payments effected, and
- (b) the number of overseas trips undertaken, indicating in each case, the –
 - (i) cost
 - (ii) destination and
 - (iii) purpose therefor.

Reply: I am informed by the Information and Communication Technologies (ICT) Authority that from 2007 to date, it has retained the services of the following legal advisers –

SN	Name	Date of Appointment	Terms and Conditions of Appointment	Amount Paid (Rs) (inclusive of taxes)
1	Beeharry Joyadeep	17/02/06	Part-Time	3,768,550.00
2	Servansing Leeladarsing	17/02/06	Part-Time	5,945,000.00
3	Bhaukhaurally S. (State Law Office)	07/07/06	On retainer basis (till April 2010)	174,000.00
4	Oozeer M. A. (State Law Office)	07/07/06	On retainer basis (till April 2010)	195,100.00
5	Yatin Varma	01/10/06	Part-Time (till May 2010)	2,080,202.00
6	Dookhee Nawaz	16/03/10	Full-time (Resigned on 29 April 2011)	2,538,029.60
7	Madhub O. B. (State Law Office)	26/04/10	On retainer basis	170,000.00
8	D'Unienville		Ad-hoc	97,750.00

	Raymond			
9	Baukhory S.		Ad hoc	28,750.00
10	Ollivry Guy		Ad hoc	172,500.00
11	Mardemootoo M.		Ad hoc	46,000.00
12	Nathoo P. Anand		Ad hoc	201,250.00

As regards part (b) of the question, two trips have been undertaken by Me L. Servansing as follows:

			June 2011 (Rs)	Sept 2009 (Rs)
(i)	Cost	Per Diem	37,853.42	63,932.11
		Air Ticket	96,037.00	83,070.75
		Total	133,890.42	147,002.86
(ii)	Destination		London, UK	India
(iii)	Purpose		Mission in the context of the “Cybersecurity” Forum	Mission in the context of the Public Key Infrastructure Project

DEUX FRERES & QUATRE SOEURS – LANDSLIDE

(No. A/291) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the landslide problem in the region of Deux Frères and Quatre Soeurs, he will state where matters stand.

Reply: Following information regarding the damage caused to domestic buildings by a suspected landslide in the region of Deux Frères and Quatre Soeurs, a Crisis Committee was set up at my Ministry and comprising amongst others the Ministry of Housing and Lands, the Meteorological Services and the Ministry of Local Government and the Grand Port/Savanne District Council to closely monitor the situation.

Since expertise in the field of geotechnical engineering is not available at the level of the Ministry, a Consultancy firm was appointed in January 2011 to investigate the risk-potential

zone at Deux Frères and Quatre Soeurs. A geotechnical survey was carried out by the consultant and a report has been submitted to my Ministry.

The report concludes that the problem at Deux Frères is not related to landslide but to soil erosion. The scope of works for drains and retaining walls is being finalized by the District Council and engineers of my Ministry.

Upon recommendation of the Consultant, a rainguage has been fixed at Quatre Soeurs and weekly readings are being taken by the Grand Port/Savanne District Council and submitted to the Meteorological services for necessary action. The following measures have also been taken -

- filling, leveling construction or any other form of surcharges on the slopes including the upper slope under sugarcane cultivation have been forbidden.
- the cutting down of large trees is also forbidden.

The Crisis Committee has also decided that development permits in the affected region would be granted on a case to case basis upon recommendation from authorities concerned. All applications outside the risk area would be considered favourably.

In order to continue monitoring ground movements control points have been fixed on the ground as well as on cracked walls of houses, and they are being monitored by engineers of my Ministry.

The other recommendations contained in the report of the consultant are under consideration.

A meeting was held with the inhabitants of the locality of Quatre Soeurs to inform them of the situation, the precautions to be taken and the measures that Government is taking on the risk site.

My Ministry proposes also to set up a Landslide Monitoring Unit with the technical assistance of the JICA and to recruit a Geotechnical Engineer to monitor landslides and other geological problems in the country. In fact, JICA has shown interest in the project and will file a mission to Mauritius shortly.

CITE CHA, TAMARIN - AVENUE BECONES - DRAINS

(No. A/292) Mrs S. Hanoomanjee (Second Member for Savanne & Black River) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to Avenue Becones, Cité CHA, Tamarin, he will

state if he has been informed of the unhygienic conditions prevailing thereat, and if so, if consideration will be given for the construction of drains thereat, as a matter of priority.

Reply: We have been informed by the Black River District Council that Cité CHA at Tamarin is not serviced by piped sewer network and that the unhygienic conditions at Avenue Becones relate essentially to overflowing of existing septic tanks which need to be emptied in the first instance to abate the nuisance.

Any construction of drain at present would only transfer the nuisance at the outlet of the existing drain network further downstream.

We have been advised that the installation of a sewerage system thereat will solve the problem. The matter is being referred to the Waste Water Management Authority for necessary action.

We have further been informed that Sanitary Notices have been served upon the residents of that locality to cause their improved pits to be emptied and, as a palliative measure, larviciding and disinfection are being carried out regularly by the Bambous Health Office.

NATIONAL EMPOWERMENT FOUNDATION – FAMILIES - ASSISTANCE

(No. A/293) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Social Integration and Economic Empowerment whether, in regard to the 7,000 families surveyed by the National Empowerment Foundation to be living in absolute poverty, he will, for the benefit of the House, obtain from the Foundation, information as to the number of women and children included therein, indicating -

- (a) their respective age group, and
- (b) the assistance provided to them, including the amount of funds disbursed for the period January-September 2011.

Reply: I am informed by the National Empowerment Foundation that a survey, carried out in October 2010 and completed in March 2011, has revealed that there are some 6,199 families living in absolute poverty. Out of these 6,199 families, some 7292 women and 9455 children aged between 0-17 years have been identified and information related to their age groups is being tabled.

With regard to the assistance extended to them by the Foundation, including the amount of funds disbursed for the period January to September 2011 the information is being compiled and will be tabled as soon as possible.

CORPORATE SOCIAL RESPONSIBILITY – PROJECTS FUNDED

(No. A/294) Mrs L. Ribot (Third Member for Stanley & Rose Hill) asked the Minister of Social Integration and Economic Empowerment whether, in regard to Corporate Social Responsibility, he will, for the benefit of the House, obtain from the National Empowerment Foundation, information as to the -

(a) amount of funds disbursed for -

(i) social housing

(ii) eradication of absolute poverty and

(iii) vulnerable children, for the period 01 January to 30 June 2011, giving a breakdown thereof

(b) number of Non Governmental Organisations that have obtained CSR funding to implement projects for vulnerable children, and

(c) number of projects funded, indicating the number of children who have benefitted therefrom.

Reply: The information requested is being compiled and will be tabled as soon as possible.

MOUNT ORY – RETAINING WALL - CONSTRUCTION

(No. A/295) Mr P. Jugnauth (First Member for Quartier Militaire & Moka) asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the construction of a retaining wall and an access road at Mount Ory, he will state where matters stand.

Reply: Following repeated questions put in this Assembly over the last few years regarding a problem of erosion at Terre Coupée, Montagne Ory, my Ministry initiated action early last year for the construction of a retaining wall and a new access road to address the issue. The project is in 2 phases.

The first phase consists of the construction of the retaining wall with footpaths and drains along the existing road. The construction of the retaining wall, which is the major structure for

the support of the future access road, has been completed. The remaining works under this phase are in progress and are expected to be completed in three weeks' time.

The second phase of the project consists of backfilling, construction of the access road with footpaths and drains. Works order for the second phase has been issued. Works have started and are due for completion by end of January 2012.

EMBASSIES AND CONSULATES – OFFICIALS AND STAFF

(No. A/296) **Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to each of our Embassies and Consulates, he will give a list of the Officials and Staff posted thereat, since July 2005 to date.

Reply: The information is being placed in the Library.

ST PIERRE – ELDERLY - ACTIVITY CENTRE

(No. A/297) **Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the proposed opening of an activity centre for the elderly at St Pierre, she will state where matters stand.

Reply: On my taking office at the Ministry of Social Security, National Solidarity and Reform Institutions on 06 August 2011, I was made aware of a lease agreement between the Ministry and the Old Age Pensioners' Association for the renting of a building at St Pierre for the purpose of setting up an Activity Centre for the Elderly.

However, I took note that many important arrangements such as staffing, night security, installation of furniture and equipment were still to be made and the building was far from being ready for operationalisation.

Necessary action is being taken accordingly so that the Activity Centre can soon become operational.

SUGAR INDUSTRY LABOUR WELFARE FUND - RECRUITMENT

(No. A/298) **Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Gender Equality, Child Development and Family Welfare

whether, in regard to the Sugar Industry Labour Welfare Fund, she will, for the benefit of the House, obtain from the Fund, information as to the number of persons recruited since 2005 to date, indicating -

- (a) their respective date of birth and address, and
- (b) the community centre to which they are attached.

Reply: I am informed that the list of persons recruited by the Sugar Industry Labour Welfare Fund since 2005 to date is being compiled, and same will be placed in the Library of the National Assembly in due course.

BIRTH – TARDY DECLARATION - CASES

(No. A/299) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to tardy declaration of birth, she will state the number of reported cases thereof, since January 2011 to - date, indicating the

- (a) time taken for processing an application therefor, and
- (b) number of pending cases.

Reply: In regard to tardy declaration of birth, the number of cases reported since January 2011 to-date is 63.

Coming to part (a), the time taken for the processing of an application for tardy declaration of birth varies considerably from case to case and given that the process does not rest with only my Ministry, but also involves the District Court, Ministry of Health and Quality of Life, the Police, the State Law Office and the Civil Status Office.

As regards part (b) on pending cases of tardy declaration of birth, there are a total number of 259 cases as at September 2011 out of which 159 have already been referred to the State Law Office for conclusion.

MEDICAL NEGLIGENCE - CASES

(No. A/300) **Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Minister of Health and Quality of Life whether, in regard to medical negligence, he will state the number of reported cases thereof, since 2005 to-date,

indicating, in each case if an inquiry has been carried out and, if so, the outcome thereof.

Reply: All cases of Medical negligence in public hospitals are investigated by an independent Preliminary Investigation Committee. It is composed of Consultants within the speciality concerned under the Chairmanship of one Regional Health Director. The report of the Preliminary Investigation Committee is then examined by a high level Technical Committee chaired by the Director Health Services. After consideration, where deemed necessary, the cases are then referred to the Medical Council with appropriate recommendations under Section 46 A of the PSC Regulations. Thereafter, the Medical Council submits the cases where required to the Public Service Commission for action as appropriate.

According to the Medical Council, 262 cases of alleged medical negligence have been reported during period 2005 to date for the purpose of conducting an investigation.

The status on the cases referred above are as follows:

During period 2005 to date

- Total number of cases referred = 262
No. of cases set aside = 111
- Number of cases where action was taken against Medical Practitioners:
Caution = 6
Warning = 5
Severe warning = 5
Suspended = 1

Deregistered = 1

- Number of cases referred to the Police for Enquiry (a criminal offence is suspected) = 2
- Severe Notice served to Doctors to abide by Code of Practice = 5
- Number of cases referred to the Ministry for sanctioning a medical practitioner in the public service with a proven act of medical negligence = 9
- Cases of Medical Practitioners referred to the Medical Disciplinary Tribunal = 8
- Number of cases not investigated as complaint not directed against a Medical Practitioner = 7
- Number of cases still being investigated = 34
- Number of cases referred back to Ministry by the Medical Council for consideration and recommendations as per PSC Regulations (amended) = 70
- The status on the 70 cases referred to the Ministry is as follows -

The Technical Committee at the Ministry has already considered 56 cases in the light of their merit. The Committee has decided the following -

- (i) In one case a doctor has been severely reprimanded by Ministry.
- (ii) 26 cases have been set aside as there was no evidence of medical negligence.
- (iii) 18 cases have been officially referred to the Medical Council for disciplinary actions in accordance with PSC Regulations 46A.
- (iv) 11 cases have been referred back for enquiry as no departmental enquiry was carried out in these cases

The remaining cases are still under consideration at the level of the Ministry.

COROMANDEL - FOOTBALL GROUND

(No. A/301) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government and Outer Islands whether, in regard to Coromandel, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if a portion of land has been identified thereat for the construction of a football ground and, if so, indicate the location thereof and the start and completion dates of works and, if not, why not.

Reply: I am informed by the Municipal Council of Beau Bassin-Rose Hill that no land has been identified for the construction of a football ground at Coromandel for the time being.

MONT ROCHES MUNICIPAL SOCIAL CENTRE - RENOVATION WORKS - TENDER

(No. A/302) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière) asked the Minister of Local Government and Outer Islands whether, in regard to the renovation works at the Mont Roches Municipal Social Centre, he will, for the benefit of the House, obtain from the Municipal Council of Beau Bassin/Rose Hill, information as to if tenders have been launched therefor and, if so -

- (a) when;
- (b) the name of the contractor;
- (c) the contract value, and
- (d) the starting and completion dates thereof.

Reply: I am informed by the Municipal Council of Beau Bassin-Rose Hill that Request for Sealed Quotations were launched on 27 May 2011 for renovation works at the Mont Roches Municipal Social Centre.

With regard to parts (b), (c) and (d) of the question, I am informed that -

- (i) the successful bidder is A. Jaufeerally Enterprise Co Ltd.

- (ii) contract value is Rs4,644,677.50 inclusive of VAT
- (iii) starting date is 02 September 2011
- (iv) expected completion date is 15 December 2011.

PORT LOUIS FIRE STATION - BUILDING - REPORT

(No. A/303) Mr D. Nagalingum (Second Member for Stanley & Rose Hill) asked the Minister of Local Government and Outer Islands whether, in regard to the Port Louis Fire Station, he will, for the benefit of the House, obtain from the Government Fire Services, information as to -

- (a) if the Occupational Safety and Health Unit of the Ministry of Civil Service and Administrative Reforms has submitted any report in relation to the conditions of the building, pointing out several shortcomings and potential dangers prevailing thereat and, if so -
 - (i) table copy thereof, and
 - (ii) indicate the urgent remedial measures that will be taken, and
- (b) where matters stand in relation to the relocation thereof, indicating if land has now been identified and, if so, indicate the location and extent thereof and, if not, why not.

Reply: I am informed by the Government Fire Services that the Occupational Safety & Health Unit of the Ministry of Civil Service and Administrative Reforms has submitted a Report of Investigation for the Port Louis Fire Station on 15 August 2011.

With regard to part (a) (i) of the question, the report being a confidential one and privy to two Ministries, I will not place it in the Library.

As regards part (a) (ii) of the question, I am informed that, as an urgent remedial measure, materials are being purchased for replacement of damaged

planks of the roof and floor of the building. However, pending such time as major renovation works are undertaken, my Ministry and the Fire Services Department have undertaken the following short term rehabilitation works –

- replacement of tiles, flush door and wash basin, and
- painting of offices, dormitory, TV room, mess, waiting room, dutyman's kitchen, lecture room, staircase, terrace, barracks, dining room and toilet.

As far as part (b) of the question is concerned, I am informed that a plot of State land of an extent of 2400m² located at Victoria Square, Port Louis has been indentified. Being given that the site is located adjacent to the Bus Terminus, Victoria Square and it also lies along a one-way street from Lord Kitchener, the Ministry of Housing and Lands has sought the views of the Traffic Management and Road Safety Unit in the matter and a reply is awaited.

LAND TRANSFER TAX AND REGISTRATION DUTY

(No. A/304) **Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the construction industry, he will state if consideration will be given for the -

- (a) re-introduction of the Additional Stimulus Package to exempt the promoters and the purchasers respectively from the payment of Land Transfer Tax and Registration Duty, and
- (b) taxation at the rate of 5% of Land Transfer Tax for already built up houses under the Real Estate Scheme as is presently the case for *Vente à l'Etat Futur d'Achèvement* and *Vente à Terme*.

Reply: The hon. Member will have to wait for my Budget Speech for any change in policy. However, the following information may be useful.

The Additional Stimulus Package was introduced in the aftermath of the subprime mortgage crisis to give a boost to economic activities for a given time corridor of 2 years commencing on 01 January 2009. As an exceptional measure, exemption from registration duty

and land transfer tax were granted for construction projects exceeding Rs50 m. both on the acquisition of land for the project and subsequent sale to the public after construction.

The exemption in respect of land acquisition has lapsed on 31 December 2010 and resale on 30 June 2011.

As regards part (b) of the question, the single rate of land transfer tax of 5% is no longer applicable as from 01 January 2011 as per the provisions of the Package except for transfers under ‘*vente en l’état future d’achèvement*’ and ‘*vente à terme*’. I am informed by BOI that out of 167 residences which have been sold under the Real Estate Scheme, 166 have been effected under ‘*vente en l’état future d’achèvement*’ and one under ‘*Vente à Terme*’ to benefit from the cash flow advantage and lower rate of land transfer tax. No built up residences have been sold.

POST-SECONDARY/HIGHER EDUCATION - ENROLMENT

(No. A/305) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the enrolment in post-secondary/higher education in Mauritius, he will state the present total enrolment, giving a breakdown thereof -

- (a) institution wise;
- (b) discipline wise;
- (c) between full time and part time students, and
- (d) between students aged 19-24 and students aged 25 and above.

Reply: According to latest statistics published by the Tertiary Education Commission in its Report “*Participation in Tertiary Education 2010*”, total enrolment in post-secondary/higher education in Mauritius as at December 2010 stood at 44,334. The Report which can be downloaded from TEC’s website at <http://www.tec.mu> provides breakdown, as follows -

- (a) Institution wise: *Refer to Table 1 (page 18) and Table 42 (page 65) of Report*

Local												Overseas	Total		
Publicly-Funded Institutions(refer to pg 18 of Report)											Private institutions			Distance Education	
UoM ¹	UTM	FDI	MIE	MGI	RTI	MCA	SDIM	IST	MITD	MIH		Total PFIs			
10,356	3,831	151	5,032	537	8	546	602	216	465	22	21,766	7,689 (refer to pg 65 of Report)	3,972	10,907	44,334

Note: 1 –Excludes enrolment on joint MIE & MGI Programmes

(b) Discipline wise: *Refer to Table 1 (page 18) of Report*

(c) Between full-time and part-time: *Refer to Table on page 3 of Report*

(d) Between students aged 19-24 and students aged 25 and above

Statistics in respect of students' age is not available for the sector. However, the TEC conducts a *Student Profile Survey* in respect of full-time new entrants at the University of Mauritius (UoM) every two years. The distribution of the new entrants by age at the UoM is shown below for the period 2002 to 2010. Arrangements will henceforth be made for TEC to collect data on enrolment by age.

Age Group	2002	2004	2006	2008	2010
18 yrs or less	23.8	29.4	25.7	30.6	34.7
19 – 24	74.9	69.5	73.3	27.2	64.7
25 and Above	1.3	1.1	1.0	0.6	0.6

STUDENTS - HIGHER EDUCATION COURSE

(No. A/306) Mr S. Obeegadoo (Third Member for Curepipe & Midlands) asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to students having completed secondary education in 2008, he will state the number thereof -

(a) holding either the Higher School Certificate or General Certificate of Education, and

(b) having embarked on a full time higher education course of study in 2009.

Reply: (a) According to information submitted by the Mauritius Examinations Syndicate, 8907 candidates sat for the Cambridge Higher School Certificate examinations in 2008, and 7011 passed. Out of the 1896 candidates who failed, 628 passed in at least 2 'A' level subjects.

In addition, 776 school candidates sat for the General Certificate of Education examinations and 879 passed in at least 2 'A' level subjects.

(b) In 2009, out of a tertiary student population of 41,484, some 17,473 were newly admitted. Of these, 9,556 were attending full-time courses (A breakdown is shown below), with

the PFIs recruiting some 4,387 students and private institutions, 1,050 students. Some 4,119 students, on the other hand, left Mauritius for pursuing higher studies overseas, most of which are assumed to be studying full-time.

Source	No. of New Admissions	No. of Full-time New Entrants
Publicly Funded Institutions	9,702	4,387
Private Institutions	3,652	1,050
Overseas*	4,119	4,119
Total	17,473	9,556

*assuming all full-time

It is to be noted that the TEC does not compile statistics on new entrants to higher education by yearly HSC cohorts.